HOW TO KEEP DOCTORS AND LAWYERS HONEST
ROBERT A. BERENSON

DELAY: IT'S ABOUT TIME
THE EDITORS

THE NEW REPUBLIC

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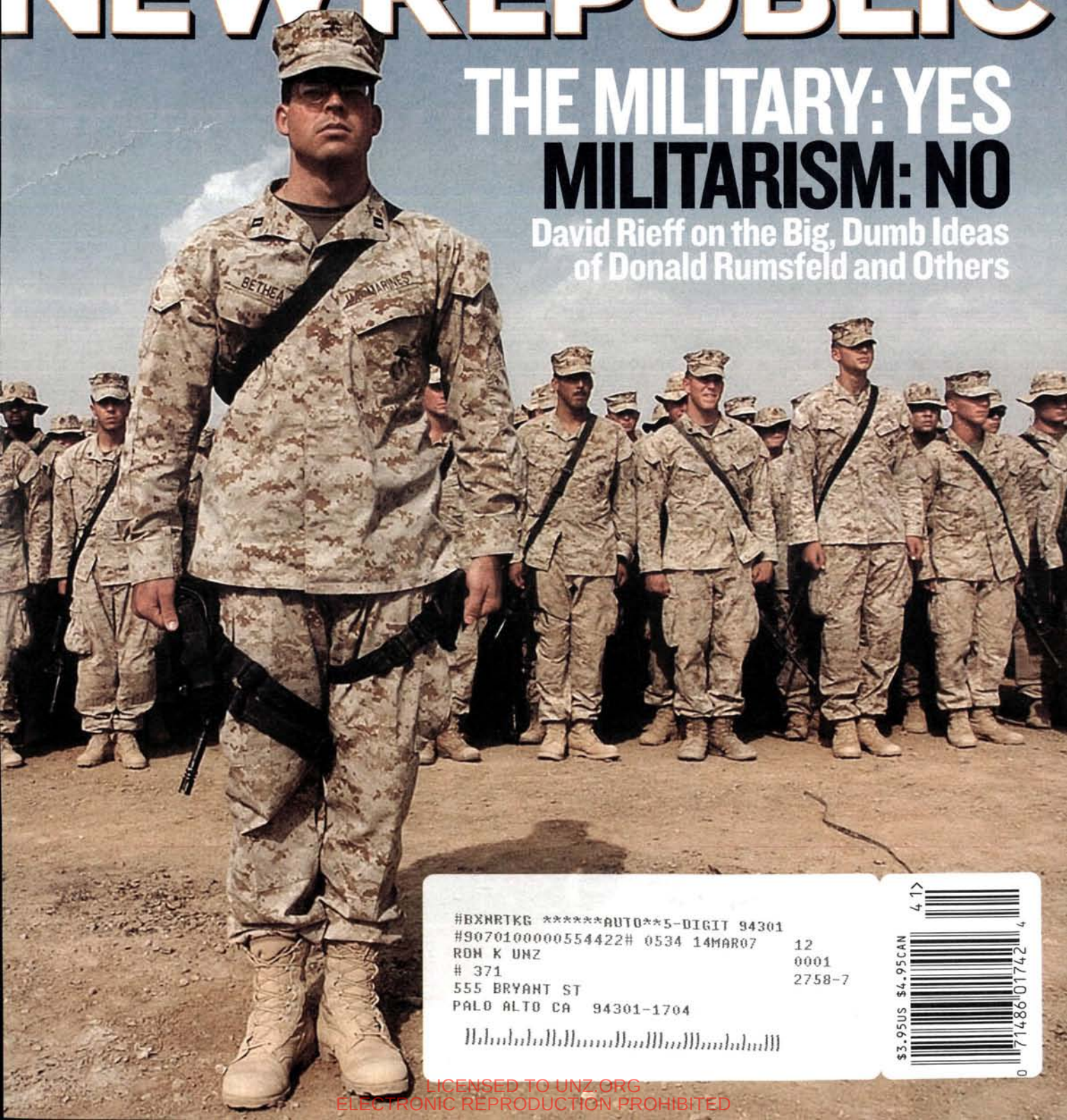
THE MILITARY: YES MILITARISM: NO

David Rieff on the Big, Dumb Ideas of Donald Rumsfeld and Others



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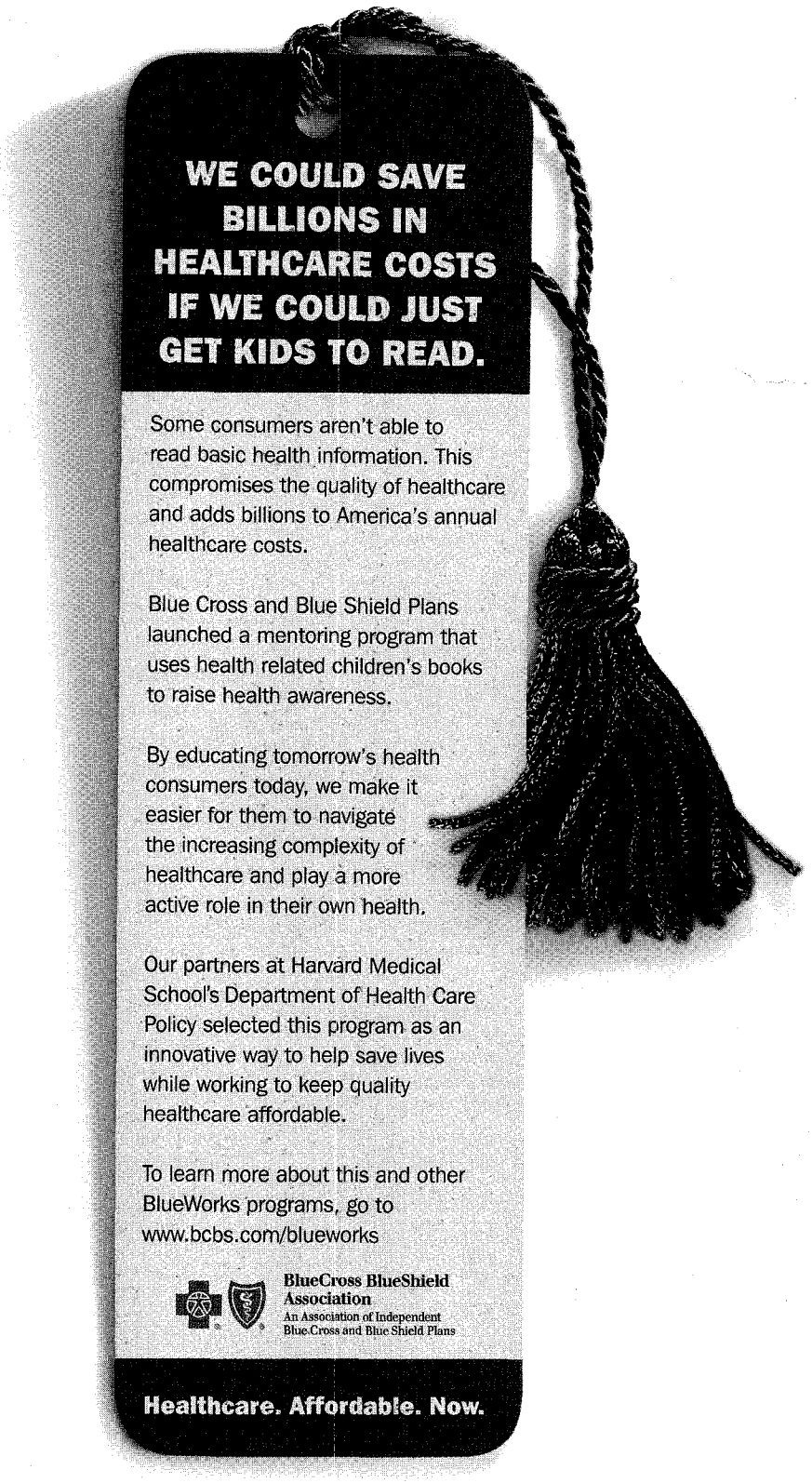
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THE NEW REPUBLIC

A JOURNAL OF POLITICS AND THE ARTS

OCTOBER 10, 2005 WASHINGTON, D.C. ISSUE 4,734 VOLUME 233

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CORRESPONDENCE

FOR GOV OR MONEY

THE NEW NEW DEAL PROPOSED BY Niall Ferguson and Laurence J. Kotlikoff contains "something old, something new, something borrowed, and something blue" ("The New New Deal," August 15). In borrowing from the national sales tax idea, it will run smack into the objections that the plan has always faced: fairness, transition costs, and economic dislocation. One major objection to a sales tax is that it hammers the elderly. Those who have earned and paid taxes throughout their lives will suddenly find their life savings taxed again at even higher rates upon consumption. It might be worth it to be rid of our current tax, Social Security, and health care systems, but I'd like to see the authors get their ideas past the AARP.

PAUL BURICH
San Jose, California

FERGUSON AND KOTLIKOFF'S PLAN for reshaping American tax, retirement, and health care policies is simple and brilliant, and I'm sure their math works as well. All we need to put it into effect is a parliamentary government and a thumping majority for the Ferguson-Kotlikoff party. The genius (or misfortune) of the U.S. system is that it is built for incremental change. Sometime over the next decade or so, we will need major revisions in our system of social insurance provision. Some academic Democrats get mesmerized by white-board solutions, but the more pressing need is for sustained incremental slogging in the political trenches.

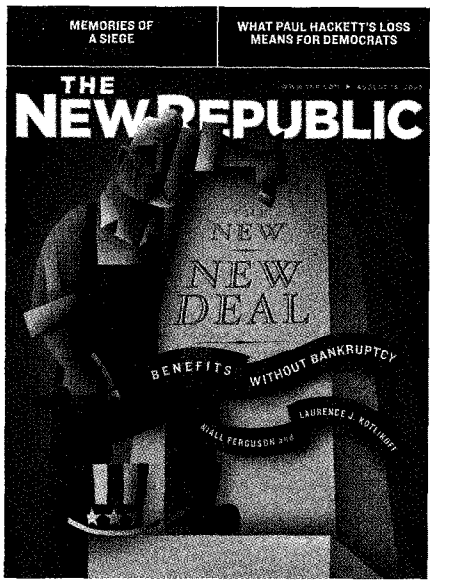
CHARLES R. MORRIS
New York, New York

NIALL FERGUSON AND LAURENCE J. KOTLIKOFF RESPOND: Incremental change has left our tax, health care, and Social Security systems on life support. Our new New Deal offers simple, efficient, transparent, and truly fair ways to collect taxes, deliver universal coverage, and modernize compulsory saving. Yes, taxing retail sales, as we propose, would place a larger tax burden on the elderly, but only the rich elderly. The poor elderly would actually be better off, thanks to the indexation of Social Security benefits and the proposed sales-tax rebate. The rich elderly need to contribute to limit the crushing tax burden facing their grandchildren. Rich AARP members have grandchildren and should be willing to sacrifice on their behalf. Eliminating the personal income tax, the corporate income tax, and the payroll tax and providing our proposed rebate will dramatically raise workers' disposable incomes, leaving them with the wherewithal to pay our proposed 33 percent retail sales tax. With a 33 percent sales tax, a dollar of income buys 25 cents of goods and services, so our effective tax on income is just 25 percent. Finally, we don't need a Ferguson-Kotlikoff ticket. We need a Democrat who cares more about the next generation than the next election.

CHEATIN' WAYS

IT HAS LONG BEEN CUSTOMARY TO read Robert Novak for the latest regurgitation of Republican talking points (and worse), but it is surprising to see THE NEW REPUBLIC follow his lead ("Loss Leader," August 22 & 29). Republicans in the House have been working hard to distract the press and the public by hurling baseless allegations at anyone who questions them. But the record must be corrected. Recommending a former aide for employment by the Democratic Congressional Campaign Committee, as Representative Bob Menendez did, may be offensive to Republicans, but it's neither a novel move nor a violation of any House rules. Contrary to your contention that Democrats have shied away from exposing Republican ethics violations, the reason that the GOP has been unable to sweep their ethics violations under the rug is that House Democrats—led by Minority Leader Nancy Pelosi, Whip Steny Hoyer, and Menendez—have waged a persistent campaign to highlight their abuses. Democrats have challenged both individual ethics violations and the overall corruption by Republicans of the House itself—through which the GOP leadership has offered campaign support on the floor for votes, allowed lobbyists to draft legislation, and attempted to neuter the Ethics Committee, which polices violations. House Democrats will continue to expose abuses to the American people through every available means.

MATTHEW MILLER
Communications Director
House Democratic Caucus
Washington, D.C.



SMALL SORROW

WITHOUT NAMING ME, LEON Wieseltier quotes my assertion—published in *The Forward*—that it is natural and proper to feel a sense of mourning over the loss of Gaza ("The Fall," September 5). "The disengagement from Gaza," Wieseltier writes, "is not our loss." For his part, Wieseltier "will not squander" his "powers of sorrow" on those places or feel "tribal" empathy for the suffering of those people who, at their government's behest, settled the sand dunes and have now lost everything.

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Wieseltier's "powers of sorrow" may be more precious than those of the rest of us and therefore worthy of being meted out more judiciously. But we—who, admittedly, cannot quite shake off our unenlightened "tribal" empathies—continue to feel it is natural and proper to share the sense of mourning with those who have lost their homes, their livelihoods, and their sense of community—whether it be by an act of God (a hurricane or a tsunami, for example) or a political decision.

AVI WEISS
National President
Amcha—The Coalition for Jewish Concerns
Riverdale, New York

LEON WIESELTIER RESPONDS:
At their government's behest? Rabbi Weiss must be kidding. The settlers were not dragged kicking and screaming into the territories. They had uses for various governments and various governments had uses for them. Now the old tricks are not working, and they wish to be called victims. They are not victims, they are losers. It is not the same thing.

One cannot feel equally for everybody. This is an elemental fact of ethical life. The soldiers who lost their lives and their limbs in the defense of the settlers, and the families of those soldiers, have more of a claim on my sympathy than the settlers who lost their "sense of community." Why should I wear sackcloth for the settlements if I believe that they injure Israel strategically and spiritually? I guess Rabbi Weiss loves the Jewish people more than I do.

HEALTH FIGHTER

JONATHAN COHN DEFENDS REQUIREments to purchase health coverage that "most Americans . . . deem essential" ("Pick and Lose," August 22 & 29). But, if "most" Americans find such coverage essential, why not just let those who want that coverage purchase it? Why require everyone to buy it, especially when that makes coverage unaffordable for some? Cohn also defends laws that increase insurance premiums for some to reduce them for others. But that results in: younger, healthier individuals dropping coverage; a higher number of uninsured; risk pools becoming older and less healthy, which further increases premiums; and the whole process repeating itself in a grand race to the bottom.

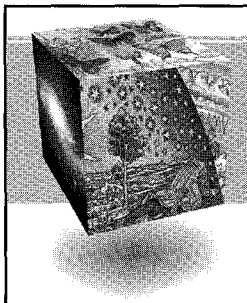
Cohn claims that, with more choices, some consumers would be defrauded by unlicensed carriers. Yet the legislation he criticizes would require carriers to be licensed. He may have a point if he means that states would have to research more carriers to weed out the crooks. But consumers would do much of the weeding by gravitating toward carriers with solid reputations. Moreover, states *should* be shifting resources away from costly regulation and toward prosecuting fraud—an area where Cohn acknowledges that some states are failing. Finally, contrary to Cohn's assertion, the Cato Institute does not endorse legislation.

MICHAEL F. CANNON
Director of Health Policy Studies
Cato Institute
Washington, D.C.

JONATHAN COHN RESPONDS:
Even smart consumers need protection from scams. Just ask the Florida fraud victims who bought coverage through legitimate agents. Yet, allowing insurers to sell across state lines, as the Health Care Choice bill proposes, would overwhelm the already overmatched state regulators.

Michael F. Cannon opposes regulation because it makes insurance more expensive. But that's what happens when you force insurers to give good benefits and offer coverage to people with serious illness. Yes, higher prices might convince more people to decline insurance, either because they are unable or unwilling to afford it. But, in at least some cases, it's a worthwhile tradeoff, since it's the only way to secure health benefits for the medically needy.

It would be better still to require good benefits *and* prohibit discrimination against the sick *and* keep insurance affordable. But, as I said, there's only one way to do that: universal health insurance, which Cannon opposes because it would be compulsory. Of course, Social Security, another program that spreads financial risk, is compulsory, too. And only libertarian extremists object to that. Speaking of the Cato Institute, Cannon is right about one thing: Technically, the think tank doesn't endorse legislation. Only its scholars do. I should have been more precise. ■



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Spent Force

TRB FROM WASHINGTON

HERE'S A BRIEF TIMELINE OF post-Katrina developments within the conservative movement: On September 15, President Bush gave a speech from New Orleans in which he pledged to spend "what it takes" to rebuild the Gulf Coast. Conservative commentators promptly worked themselves into a lather over what could be the largest domestic spending increase since the Great Society. House conservatives readied an initiative called "operation offsets," the point of which was to demand some $500 billion in spending cuts to pay for the new Katrina outlays.

That was a Thursday. On the following Tuesday, the House Republican leadership informed the conservative dissidents that "operation offsets" was more or less off. Top Republicans were particularly uncharitable to the centerpiece of the conservative proposal, which was to save about $30 billion by delaying the implementation of Bush's signature prescription-drug plan. Tom DeLay pronounced the idea a "nonstarter." Bush was reportedly as opposed to delaying the drug plan as he is to repealing his tax cuts.

On the level of substance, of course, the conservatives were onto something. The country's finances were unsustainable even before Katrina—there's no way to cut taxes by several trillion dollars while creating a trillion-dollar prescription-drug entitlement without eventually collapsing the economy. But, politically, they couldn't be further off base. Conservatives believe the whole point of tax cuts is to give Republicans leverage to reduce spending and shrink government. What they don't realize is that the only way for the GOP to remain the majority party is for it to constantly dole out both generous tax cuts *and* generous spending.

The source of the dilemma is the Republicans' increasingly Rube-Goldberg coalition. On the one hand, Republicans are highly dependent on money from corporations, which see tax cuts as the be all and end all of public policy. That wasn't such a problem in the 1980s, when Republicans could avoid ramping up domestic spending, even if they never quite got around to cutting it. The reason that was politically possible is that the vast majority of the party's constituents in those days were relatively affluent—Ronald Reagan carried 17 of the 20 most affluent counties in the country in 1984. These voters worried that an expansion of government programs would involve a redistribution of money from them to the poor and working class, and so they never really clamored for it.

What's changed since the '80s is that a smaller and smaller portion of the party's votes come from affluent voters, even as its funding continues to come from the business community. Bush won less than half of the 20 most affluent counties in 2004. These days, GOP votes come increasingly from working-class whites. Bill Clinton lost lower-middle-class whites—those making between $30,000 and $50,000—to Bob Dole by a single point in 1996. Bush won them by 13 points in 2000 and by 17 points in 2004. The upshot is that, while the party must still deliver tax cuts that primarily benefit the affluent, it must also spend lavishly to appeal to the working class. With Democrats willing to expand entitlements, there isn't a reliable way to win these voters without responding in kind.

That's not the whole story, of course. Part of the way Bush has made inroads among the working class is by highlighting his religiosity and cultural issues like abortion, gun control, and gay marriage. Foreign policy has also loomed large since September 11. All of these issues have attracted working-class whites even as they repelled affluent professionals, who have become a core Democratic constituency. But an equally big part of Bush's appeal was his promise to shower working-class people with goodies. In 2000, Bush vowed on the campaign trail to subsidize parenthood with a generous child tax credit. He promised to spend billions of dollars on education. And, most unusually for a Republican, he promised a prescription-drug bill that looked and smelled—and cost nearly as much as—the Democratic alternative (even if it ended up funneling most of its benefits to pharmaceutical companies). Bush largely delivered during his first term. So it's no surprise that, in 2004, he didn't just win over the working-class on national security grounds. He carried it by 16 points on the economy.

Thus far, Republicans have managed to finesse the pressures that arise when you have to appeal to both working-class voters and business interests. During his first term, for example, Bush threaded the needle on trade—first imposing tariffs that benefited Rust Belt steelworkers, then reversing himself once the outcry from other industries got too loud. When it came to the budget, Republicans have found that the most reliable way to strike this balance is to cut programs for the poor—like Medicaid and low-income housing—which neither group relies on.

Obviously, cutting spending for the poor isn't exactly the most politically viable place to look for savings these days. (Around the same time the House was beating back its conservative insurgency, the Senate was approving a $9 billion increase in Medicaid spending for victims of the hurricane.) But, even if it were, there's only so much you could cut. Medicaid spends only about half of what Medicare does, making the latter a far bigger factor in today's outsized deficits. (Medicare benefits everyone, not just the poor.) Eventually, the contradictions involved in cutting taxes while raising middle-class spending become inescapable.

Worse, the demographic trends underlying this problem make it nearly impossible to mitigate, much less resolve. According to the Pew Research Center, so-called "big government conservatives"—downscale whites broadly sympathetic to government spending, even if it means running a deficit—account for roughly one-third of the Republican base and about one-fifth of the votes Bush won last fall. That means there's no GOP majority without them. There aren't enough deficit hawks to form a viable coalition now that affluent moderates are Democrats.

In a recent anti-Bush rant in *The Wall Street Journal*, former Reagan speechwriter Peggy Noonan wondered, "If we are going to spend like the romantics and operators of Lyndon Johnson's Great Society; if we are going to thereby change the very meaning and nature of conservatism ... shouldn't we perhaps at least discuss it?" Conservatives can discuss it all they want. But it's far too late to do anything about it. **NOAM SCHEIBER**

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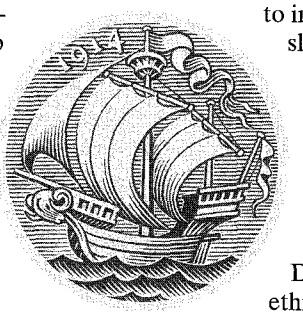
Justice DeLayed

"I AM INNOCENT," Tom DeLay declared in the frantic hours after his indictment by Texas District Attorney Ronnie Earle. "I have done nothing wrong." It remains to be seen whether the now–former House Republican majority leader is guilty, as Earle's indictment charges, of conspiring to direct corporate political contributions illegally to Texas state candidates. The indictment, after all, offers scant details establishing DeLay's culpability. What's more, the Texas law in question is arcane, and, in the realm of political money, the $190,000 DeLay and his associates allegedly misdirected is a relative pittance. But one can hardly say that Tom DeLay has "done nothing wrong."

Throughout his Washington career, there is little wrong that DeLay *hasn't* done. He has transformed the House Republican majority into an arm of corporate special interests that benefit from an unprecedented "pay to play" culture of rewards for political donations. As symbolized by his well-known chumminess with the oleaginous Jack Abramoff, he has unapologetically blurred the lines between officeholders and lobbyists, deeply integrating K Street into his party's political and legislative strategy and treating it like a House Republican patronage machine. And DeLay, more than anyone, has been responsible for running the House of Representatives like a one-party dictatorship, both shutting out the Democratic minority (even denying them simple meeting space) and militantly smothering intraparty dissent.

Those are just the overarching themes of DeLay's disgraceful tenure in Congress. One could type for hours without exhausting the list of particular offenses for which he should have been ostracized by now: He has allegedly threatened K Street firms that failed to hire Republican lobbyists in sufficient numbers. He was admonished last year by the House ethics committee for essentially selling access to energy-industry executives just as Congress was wrapping up a major energy bill. The ethics committee also slapped DeLay for offering to endorse the candidate son of Republican Representative Nick Smith in exchange for Smith's vote in favor of a GOP Medicare bill. Then the ethics committee rebuked him *a third time* for his wildly inappropriate enlistment of the Federal Aviation Administration to hunt for a group of AWOL Texas legislators back in 2003.



Which brings us back to Earle's indictment. Those Texas lawmakers DeLay was hunting had taken flight to inhibit a Machiavellian GOP-led vote to redraw Texas's congressional districts. The plan, which eventually passed, led to the defeat of four incumbent House Democrats at the hands of Republicans in 2004—and it was all masterminded by DeLay. It had long been customary for parties to redraw congressional boundaries only after the once-a-decade U.S. census. But, under DeLay's leadership, Texas Republicans determined that they could boost their numbers in the state legislature and ram through a new state congressional map mid-decade. That's why DeLay worked so hard in 2001 and 2002 to elect a new crop of Republicans to the Texas legislature. Earle's indictment contends that, during that election, a DeLay political action committee, Texans for a Republican Majority, essentially laundered contributions from corporations (which, under Texas law, may not fund state political races) through a national Republican committee and on to several GOP legislative candidates. It was classic DeLay: hubristic, hyper-partisan, and corporate-funded.

Of course, even DeLay himself is merely a cog in a Washington Republican machine that has abandoned morality in its fanatical pursuit of power. Beyond rooting for a jury in Travis County, Texas, to return a guilty verdict in the months ahead, Democrats need to make clear to the public that his indictment represents a mere fraction of the Republican Congress's corruption. The House ethics committee, for instance, must continue to investigate Abramoff's sleazy lobbying, which envelops several other GOP congressmen and reveals the disgusting influence K Street lobbyists enjoy over federal lawmaking.

Within the panoply of DeLay's countless other ethical (and potentially legal) offenses, Earle's indictment is relatively trivial. But a conviction would be a fitting end for the career of a mean-spirited, intellectually primitive, and ethically bankrupt man. And, with any luck, it could be the beginning of a desperately needed fumigation of Capitol Hill. That much DeLay, a former exterminator, would understand. ■

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NOTEBOOK

RANGEL'S REVISIONIST HISTORY . . . CRAWFORD'S RESIGNATION MYSTERY

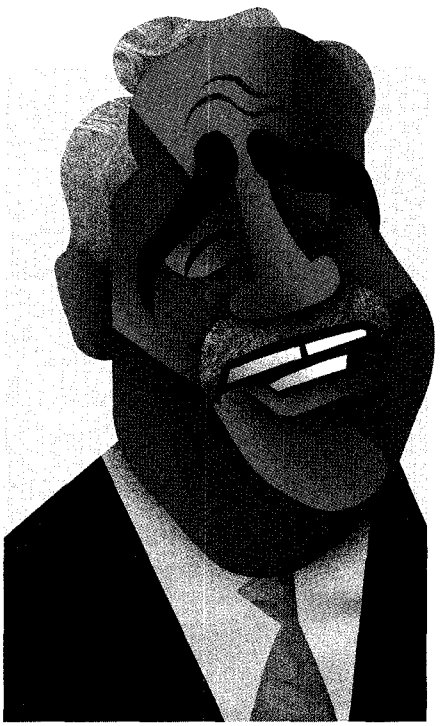
BULL CONNOR BULL

LAST THURSDAY, AT A NEW YORK town-hall meeting of the Congressional Black Caucus, Representative Charles Rangel took the stage vacated minutes earlier by Senators Hillary Clinton and Barack Obama and declared, "George Bush is our Bull Connor." This comment is preposterous enough on its own—Bull Connor, the Birmingham police chief who turned hoses and dogs on civil rights marchers in 1963 and became a symbol of Southern racism, would never have had a black secretary of state. To equate Bush's faltering attitude toward blacks during Katrina with Connor's brazen, unrelenting bigotry is an insult to those activists who endured Connor's persecutions. But, incredibly, instead of repudiating Rangel, various black leaders have opined that his comparison is insulting—*to Bull Connor*. "I think that's an insult to Connor," New York City Councilman Charles Barron told *The New York Sun*. "What [Bush] did in New Orleans [is] worse than what Bull Connor did in his entire career as a racist in the South." Others agreed, dragging the conversation down to breathtaking lows: Al Sharpton remarked, "We've gone from fire hoses to levees," and Representative Major Owens pointed out that "Bull Connor didn't even pretend that he cared about African Americans. You have to give it to George Bush for being even more diabolical."

There is a rich and horrible irony here: Martin Luther King Jr. once said of Bull Connor that he "didn't know history." But today it is Rangel and his defenders—who lay claim to the mantle of the civil rights movement—who don't know history. Or, rather, they believe bad history makes for good politics. It doesn't. It makes for demagoguery. King would have known the difference.

MASSACHUSETTS IN LAW

MASSACHUSETTS GOVERNOR MITT Romney always had a good sense of humor. He had to, of course, as the socially conservative, Mormon governor of a state with a reputation for being the most liberal in the country. In fact, Romney once seemed to revel in telling jokes at his own expense. During a speech to a heavily Democratic audience, he once jested, "As a Mormon, I believe that marriage should be between a man and a woman and a woman and a woman."



Charles Rangel

Such self-deprecation helped win over Massachusetts voters. So, too, did his effusive expressions of state pride. He said that "Massachusetts is such a great state and has so much opportunity." He even stood up for Boston when Rick Santorum blamed its "liberalism" for the sex-abuse scandal in the Catholic Church.

But, suddenly, something has changed. In front of a Republican audience in South Carolina, he said, "Being a conservative Republican in Massachusetts is a bit like being a cattle rancher at a vegetarian convention." *The Washington Post* reported that Romney treated his home state "like a vaudeville comic would use his mother-in-law: as a laugh line."

What gives? Consider a statement from one of his spokespeople: "He's testing the waters. It's not a full-time testing of the waters." That's right, Romney is gearing up for a possible 2008 presidential run. But he shouldn't get ahead of himself. People in Massachusetts are starting to resent his not-full-time "testing of the waters." And Romney should consider the possibility of his mother-in-law haunting him during next year's gubernatorial election.

PRESCRIPTION UNFILLED

IT WAS FITTING THAT LESTER CRAWford's resignation as commissioner of the Food and Drug Administration (FDA) should prove, like most decisions of his short tenure, baffling. In an e-mail to FDA staff, Crawford declined to state a reason for quitting, writing simply, "It is time, at the age of 67, to step aside." That explanation, as *The New York Times* put it, "sounds preposterous." More likely, many thought, Crawford had been asked to step down after becoming—as chronicled in these pages—a lightning rod for criticism of the FDA in the wake of controversies involving its approval of dangerous arthritis medications and faulty heart monitors and its inaction regarding the over-the-counter sale of emergency contraception. Alternatively, at least one government official suggested to the *Times* that his resignation might be tied to a failure to disclose financial information during his Senate confirmation. (Crawford's wife denied both suggestions.)

Interest groups and congressional leaders on both sides of the aisle welcomed Crawford's departure as an opportunity for reform. But Crawford's replacement, National Cancer Institute (NCI) Director Andrew von Eschenbach, has already raised questions, since

DAVID COWLES

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the NCI supports the development of drugs that the FDA must review. And any hopes that the new commissioner would at least put an end to Crawford's habit of sending mixed signals have been similarly dashed. Von Eschenbach announced that he had a "100 percent commitment" to both jobs, but also reportedly suggested that he might stay only as an "interim" commissioner, until a permanent replacement is found. Maybe they should call Mike Brown. We hear he's looking for work.

HOME NEWS: ADIEU

IN 1983, THIS MAGAZINE WAS TRANSformed. No, not by the debates about the Sandinistas or the Pershings. In that year, Laura Obolensky came to work here and enlivened the place for generations of writers, editors, and interns. Eventually she came to bear the esoteric and somewhat intimidating title of "editorial-corporate coordinator," a sign of the extent to which she made herself essential to all dimensions of our enterprise. But her professionalism and her inexhaustible humaneness are not all that have endeared her to her colleagues. Laura was our in-house prosecutor against parochialism of all sorts. A woman of uncommon cultivation, a citizen of the world, she vivaciously expanded the horizons of all who worked with her. We will miss her sorely—her restless and amusing intelligence, her rancid cigarette fumes, her talent for friendship, her pathetic agitprop attempts to deny and to disguise the utter bankruptcy of all things French. We thank her from the bottom of our hearts. And we want her to know this: *Ici, tu seras toujours chez toi.*

DEPARTMENT OF CORRECTIONS

STILL WONDERING (SEPTEMBER 5) incorrectly stated that *Stranger Than Paradise* was Jim Jarmusch's first feature film. Actually, it was *Permanent Vacation*. We regret the error. ■

TNR commentary | Excerpts from THE NEW REPUBLIC ONLINE

UNFORTUNATELY, KERRY ISN'T GIVING UP.

Long Run

By Michael Crowley

Remember John Kerry? It's been a busy few weeks for the 2004 Democratic nominee. Last Monday, Kerry delivered a long speech at Brown University, blasting the Bush administration's inept response to Katrina. Two days later, Kerry gave a floor speech in the Senate declaring his unsurprising opposition to the John Roberts nomination.

Make no mistake: Kerry designed these to be attention-grabbers. His staff hyped both of them relentlessly. Four e-mails from Kerryland popped into my inbox before and after his Brown speech, which Kerry aides billed as a "major address." Meanwhile, his Roberts speech was heralded by no fewer than six e-mail alerts, a pace that might embarrass some Viagra spammers.

Kerry's Roberts speech was heralded by no fewer than six e-mail alerts, a pace that might embarrass some Viagra spammers.

And the net result was, well, not much. *The New York Times* and *The Washington Post* both lumped Kerry's "major address" in with a similar anti-Bush speech delivered by John Edwards. Kerry's Roberts broadside earned equally fleeting mentions in both papers. Even bloggers didn't seem interested.

It's not just the media—it's Democratic voters, too. Kerry placed second in an August CNN/*USA Today*/Gallup poll that asked Democrats whom they preferred as a 2008 nominee. That doesn't sound so bad until you consider the numbers. Kerry finished with 16 percent, while the frontrunner, Hillary Clinton (of course), had a whopping 40 percent. And Kerry was barely ahead of John Edwards, who placed just one point behind him.

None of this should come as a shock to anyone—except Kerry himself. In the midst of his typically windy Roberts speech, Kerry paused and looked up to the Senate rostrum. "Mr. President, how much time do I have remaining?" Kerry asked. "The senator's time has expired," came the reply. And so it has.

THE AFRICAN UNION IS FAILING IN DARFUR.

False Positive

By Eric Reeves

In the Darfur region of Sudan, government-sponsored violence and intimidation continue to claim thousands of lives a month. Yet, if you listened to world leaders, you would conclude that the African Union's deployment of troops to Darfur is a fully adequate response. Kofi Annan recently reported to the U.N. Security Council that, "In some respects, the security situation in Darfur has improved over the past year. The presence of the A.U. Mission in the Sudan . . . has been a major factor in this improvement." Praise has come from other corners as well. Back in May, French Foreign Minister Michel Barnier said, "I want to stress the wholly remarkable work the African Union is doing on the spot." And, during her July trip to Africa, Condoleezza Rice had this to say about Darfur: "The African Union has the lead on this. . . . I think Africans believe that this is a conflict . . . best resolved on the ground by Africans."

All this praise for the African Union might sound like harmless encouragement. Except it's not harmless at all. Perpetuating the myth that the A.U. mission to Darfur is succeeding is an easy way for the world's powers to pretend that Western intervention isn't needed. But continuing violence against defenseless civilians, including increased attacks on humanitarian operations, shows that A.U. forces are failing to protect the people of Darfur. And, by continuing to insist that those troops are doing a good job, Western leaders are failing the people of Darfur, too.

Perpetuating the myth that the A.U. mission to Darfur is succeeding is an easy way for the world's powers to pretend that Western intervention isn't needed.

Eric Reeves is an English professor at Smith College and has written extensively on Sudan.

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Broad antiwar brushstrokes.

Mall Rats

BY LAWRENCE F. KAPLAN

WERE NORMAN MAILER to pen a sequel to *The Armies of the Night*, his chronicle of a 1967 antiwar march on the Pentagon, his notes might read something like this: *Good news and bad news to report from this weekend's protest in Washington against the Iraq war—good news because over 100,000 demonstrators turned out to voice their opposition to war, racism, and inequality; bad news because the loudest voices belonged to pre-adolescents.* Yes, as I traverse the Mall on Saturday, I cannot escape 13- and 14-year-old girls with peace signs (and the occasional Mercedes logo) painted on their cheeks. This odd demographic probably has something to do with the overrepresentation of a second group: demonstrators in their forties, too young to have protested the war in Vietnam but too old to be wearing their children's face paint, which many of them do anyway. But there are also veterans of the Vietnam-era protest movement here, legions of whom turn out to hold banners aloft and to listen to Joan Baez warble, "Where have all the flowers gone?" In fact, the only group visibly underrepresented at the march seems to be the very group that once upon a time dominated such events: college-age demonstrators.

The absence of what has traditionally been the vanguard of U.S. protest politics—by my rough count, only one in a dozen demonstrators appears to fit the bill—points to a hollowness at the core of the antiwar movement. In an op-ed praising the demonstration for its "vintage feeling," *Washington Post* columnist Eugene Robinson asked, "[H]aven't we heard this song before? You know: 'There's something happening here, what it is ain't exactly clear'?" Apart from that "vintage feeling," however, there was nothing happening here. Part thirty-fifth college reunion and part flea market for the disaffected, where the sheer number of grievances on offer overwhelmed the only one that counted, what Washington endured this weekend wasn't exactly an antiwar march. It was anti-everything: Israel, the U.S. military, capitalism, colonialism, Wal-Mart. If anything, the march created the impression of a country so far removed from the war in Iraq that even the antiwar movement can't be bothered to demonstrate against it.

IF YOU REALLY want to end the Iraq war, a march sponsored by International ANSWER (Act Now to Stop War and End Racism), with its catalogue of fringe causes and well-advertised sympathy for dictatorships, may not be the most persuasive vehicle. At the pre-march rally, one speaker drones on about Israeli "apartheid"; another, angry about something in the Philippines, shrieks in Tagalog. FUCK BUSH; AMERICA: FIGHTING TERRORISM SINCE 1492—the crude placards and T-shirts tend to be the norm rather than the exception. Even some of the protesters recoil. As we sit on a bench watching teenagers prepare to carry a row of coffins draped with American flags—one is dropped, clumsily and obscenely, on its side—Nancy McMichael, a Washington, D.C., resident who protested the war in Vietnam, shows me that she has torn the event's official label in half. Her sticker, part of which formerly read, END COLONIAL OCCUPATION: IRAQ, PALESTINE, HAITI..., has been customized, leaving only the half that says, STOP THE WAR.

Fringe issues, however, dominate the day. Where the Vietnam antiwar movement focused directly on the war, with parts of it evolving over time into a broader indictment of "the system," today's march walks backward, addressing a litany of pet causes before it even gets to Iraq. The list of indictments—which can be sampled at the Palestine tent, the Counter-Military Recruitment tent (motto: "An Army of None"), and the Committee in Solidarity with the People of El Salvador booth (CISPES is still at it!)—dilute the message, creating the feel of a comic-book convention rather than a popular movement. Roger Yates, a demonstrator from Martinsburg, West Virginia, becomes so frustrated with the protest's incoherence that he grabs a bullhorn, jumps on a newspaper vending machine, and beseeches the marchers to remember why they came in the first place. "One thousand different causes won't hurt Bush," he yells. "If we don't focus on Iraq, it'll be like we were never here!"

In fact, it might be worse than that. Antiwar movements boast a long history of undercutting their own aims. Public opinion polls from the Vietnam era, such as a December 1969 Gallup survey that found 77 percent of respondents disapproved of antiwar demonstrations, underscore movement leader Todd Gitlin's recollection that, "As unpopular as the war had become, the antiwar movement was detested still more—the most hated political group in America." After antiwar mother Cindy Sheehan staged her protest at President Bush's ranch in August, a *Washington Post* poll found, unsurprisingly, that she made 9 percent of respondents more likely to oppose the war. But it also found that she made 10 percent more likely to support the war. That effect can only be magnified by the circus of protesters far less telegenic than Sheehan, who showed up this weekend in Washington. On the day of the march, one need only cross the street, where a line of ashen-faced tourists awaits their chance to escape into the National Museum of American History, to understand how the dynamic works. One of them, Mary Coberly of Idaho, clearly has had enough. "I disagree with every one of them," she says, as the chorus of whistles and bongos across Fourteenth Street grows louder. "I love my country." Watching the likes of disgraced British politician and Saddam Hussein defender George Galloway denounce U.S. crimes, it's not hard to see how she might

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A life-long student of these issues, Professor Robinson is a Philosophy Faculty Member at Oxford University and a distinguished Research Professor, Emeritus, at Georgetown University. He has published well over a dozen books on a remarkable range of subjects, including the connection between his two specialties, philosophy and psychology, and aesthetics, politics, and human nature.

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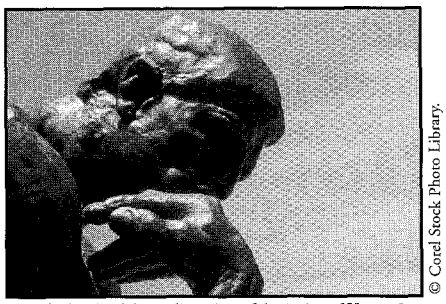

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come by the impression that the protestors do not.

Indeed, many of the protestors, caught up as they are in the spirit of "direct action," reserve their harshest vituperation for the very audience most inclined to give them a hearing. Kevin Martin, executive director of Peace Action, one of the few legislatively oriented associations at the march, says, "The level of self-loathing we're dealing with among Democrats is ridiculous. They can't get over this weak-on-defense crap." Perhaps that's why, even with the liberal rank and file overwhelmingly opposed to the war, the only congressional Democrats who turn up at the rally are Maxine Waters, Cynthia McKinney, and a few other members of the Out of Iraq caucus. As for the party's most prominent leaders—Senate Minority Leader Harry Reid and likely 2008 presidential candidates Joseph Biden, John Kerry, Evan Bayh, and Hillary Clinton—they oppose even setting a date for withdrawal from Iraq, presumably out of fear of conjuring the very specter of Vietnam that the movement invokes at every turn.

IF THE ANTIWAR movement means to be taken seriously, if it aspires to be what Sheehan calls a "people's movement," it really ought to look more like one. But its prospects don't seem promising. Here we are, after all, 31 months into an unpopular war, and this weekend's march counts as the first demonstration of its size since the conflict began. In contrast, by February 1968, when 31 months had passed since the initial dispatch of an Iraq-sized ground force to Vietnam, the United States had already witnessed huge demonstrations in New York, San Francisco, Oakland, Washington, and other cities. This, moreover, at a time when the Vietnam protestors were out of sync with most Americans—a majority of whom didn't support withdrawal until 1969–1970. Today, if anything, the demonstrators trail public opinion, which the latest polls show mostly favors withdrawal from Iraq, having concluded as long as a year ago that the war was a mistake.

So why hasn't the broad-based opposition to the war been matched by an equally broad-based antiwar movement? "The only thing that would really wake people up," says Linda Waste of Military Families Speak Out, "is if we had a draft." It may seem obvious, but conscription, more than anything else, fueled opposition to the war in Vietnam. Consequently, when President Nixon established a lottery system and then finally abolished the draft altogether, "It was as if someone had flicked a light switch," as columnist Mike Royko wrote. "Presto, the throbbing social conscience that had spread across America went limp." Or, as movement leader Doug Dowd, who had been "hoping like hell that the draft would continue," put it to Tom Wells, author of *The War Within: America's Battle Over Vietnam*, "Shit, we're lost now." And they were. With self-interest taken out of the mix, the era of mass protests came to a halt—a fact that, even in a sea of 100,000 marchers, this weekend's organizers still rue. "It's very difficult to keep even the most ardent antiwar activist at a fever pitch," Peace Action's Martin says, "unless people feel they're personally affected by the war, which they don't."

Beyond the draft, not only is there no adversary culture today; there's no common culture. The '60s were the heyday of civic engagement across the political spectrum, the peak of an era when unprecedented numbers of Americans participated in public meetings, served in civic organizations, and attended political rallies—all measures that declined by a third to a half over the past three decades, according to the Roper Social and Political Trends survey. In this, at least, members of the Knights of Columbus and members of Up Against the Wall, Motherfuckers (an offshoot of Students for a Democratic Society known for its advocacy of "armed love") had something in common. Indeed, the essential architecture of what was later to become the antiwar movement was in place well before the war escalated, its leaders versed in organizing from years in the civil rights movement, the Free Speech Movement, SDS, and other New Left boot camps.

Today, those groups have been supplanted either by motley coalitions of the sort that staged this weekend's rally or by Washington-based associations in which membership means writing a check. "The era of flannel-shirted 'Flower Power' anti-establishmentarianism has virtually vanished," writes Dartmouth political scientist Ronald Shaiko, replaced by professional organizations staffed with "management consultants, direct mail specialists, and communications directors." As for the impact of all this, why bother demonstrating when you can give your favorite activist group a credit card number? This is even truer in the Internet age, when you can sign up online for a free trial with a leftist group. As Harvard civics expert Tom Sander puts it, "Moveon.org had made it easy to press a button and give people a sense of political participation." But it is only that: a sense. The Internet may make it easier to raise money and chat with like-minded people, but it also channels those voices to a place where most Americans aren't listening. As a result of all this, says Adam Garfinkle, author of *Telltale Hearts: The Origins and Impact of the Vietnam Antiwar Movement* and himself a veteran of the protest movement, "the antiwar movement today can't organize itself out of a 7-11."

And yet, if only for a weekend, it did—sort of. Never mind that it spent the entire time talking to itself: They were their own intended audience. "The aim really is to connect with one another," says William Dobbs of United for Peace and Justice, a co-sponsor of the march. "It energizes us." The festive atmosphere, the sense of purpose and community, the rock concert that followed the march, the papier-mache puppets—for the demonstrators, it must be energizing indeed. And, if that energy occasionally translates into solipsism, well, what's wrong with comforting the sensibilities of a happy crowd? As speaker after speaker reminds the audience, *we* have the power. "We will be the checks and balances on this out-of-control, criminal government," Cindy Sheehan assures the cheering marchers. If, by *we*, she meant her fellow demonstrators, they won't. ■

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Trouble for journalists.

Low Clearance

BY ELI LAKE

In January 2006, a court in Northern Virginia will hear a case in which, for the first time, the federal government has charged two private citizens with leaking state secrets. CBS News first reported the highly classified investigation that led to this prosecution on the eve of the Republican National Convention. On August 27, 2004, Lesley Stahl told her viewers that, in a "full-fledged espionage investigation," the FBI would soon "roll up" a "suspected mole" who had funneled Pentagon policy deliberations concerning Iran to Israel. At the heart of the probe, CBS said, was one of Washington's most powerful lobbying groups, the American Israel Public Affairs Committee (AIPAC). Within three days, the lobbyists involved were identified as AIPAC's director of foreign policy, Steve Rosen, and an Iran specialist named Keith Weissman; the mole was outed as Lawrence Franklin, an Iran analyst at the Defense Department.

But weeks and then months passed, and there were no arrests. Franklin, after initially being put on leave (and taking a job parking cars at a nearby restaurant), returned briefly to his desk at the Pentagon; and, until April, Rosen and Weissman were still writing memos, meeting journalists and government officials, and going about their daily business at AIPAC. When the indictments from the federal government finally came down this summer, none of these men were charged with spying.

Instead, all three were indicted for conspiring "to communicate national defense information ... [to] persons not entitled to receive it." To the lay reader, that may simply sound like espionage-lite. After all, some of the people not entitled to receive the national defense information in this case were Israeli diplomats. But, in fact, a prosecution of this kind is unprecedented. Far from alleging the two AIPAC officials were foreign agents, U.S. Attorney Paul McNulty is contending that the lobbyists are legally no different than the government officials they lobbied, holding Rosen and Weissman to the same rules for protecting secrets as Franklin or any other bureaucrat with a security clearance. The indictment even says that, because Rosen long ago held a security clearance when he worked as an analyst for the RAND Corporation, he was duty-bound to protect any classified information he came across after the clearance expired—on July 6, 1982. "Steve Rosen and Keith Weissman repeatedly sought and received sensitive information, both classified and unclassified, and then passed it on to others in order to advance their policy agenda and professional standing," the U.S. attorney said at a press conference announcing the indictment.

But, if it's illegal for Rosen and Weissman to seek and receive "classified information," then many investigative journalists are also criminals—not to mention former government officials who write for scholarly journals or the scores of men and women who petition the federal government on defense and foreign policy. In fact, the leaking of classified information is routine in Washington, where such data is traded as a kind of currency. And, while most administrations have tried to crack down on leaks, they have almost always shied away from going after those who receive them—until now. At a time when a growing amount of information is being classified, the prosecution of Rosen and Weissman threatens to have a chilling effect—not on the ability of foreign agents to influence U.S. policy, but on the ability of the American public to understand it.

Since the inception of the national security state, the intelligence community has worried that our free press is a security risk. In an interview in 1954 with *U.S. News and World Report*, under the headline "WE TELL THE RUSSIANS TOO MUCH," CIA Director Allen Dulles remarked, "I would give a good deal if I could know as much about the Soviet Union as the Soviet Union can learn about us merely by reading the press."

Nonetheless, the federal government has traditionally respected an implicit First Amendment right of publishers and private citizens to determine the public's right to know about national security. Without journalists' ability to disclose secret information, the executive branch would be the sole arbiter of what information the public could have about its government's foreign policy. And, when the public is kept in the dark, it's hard to combat excesses. For example, it's unlikely that the Pentagon would have taken steps to correct abuses in its detention facilities had "60 Minutes II" not obtained photographs of naked prisoners stacked in a pyramid at Abu Ghraib. Had U.S. law been similar to the British Official Secrets Act, which gives 10 Downing Street the authority to prosecute journalists for disclosing classified material, it's unlikely the public would know about the network of contractors responsible for the rendition of terrorists to nations that torture prisoners or the internal debates within the Bush administration regarding the application of the Geneva Convention. To be sure, there are cases in which the press could do great harm to national security, such as publishing the details of how we keep surveillance on our enemies. But, as any reporter who covers these matters will tell you, most of the time journalists negotiate an agreement—without the threat of prosecution—on how to report sensitive material in a way that minimizes harm to intelligence-gathering and military operations. "We've all held back information when a responsible government official makes a compelling case that it's going to cause some damage," says *Newsweek* reporter Michael Isikoff.

Eli Lake is a reporter for THE NEW YORK SUN.

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And, while every administration has made internal efforts to go after leakers, criminal prosecutions have been extremely rare. In the two major anti-leaking cases involving classified secrets brought in the last 35 years, both leakers were prosecuted for slipping government property to reporters. In the case of Daniel Ellsberg, it was a classified history of the deliberations of three administrations regarding Vietnam known as the Pentagon Papers; in the case of Samuel Morison (the only successful anti-leaking prosecution), it was classified aerial photographs of a Soviet naval aircraft carrier, which he provided to *Jane's Defence Weekly*. No one has ever been prosecuted—as Rosen and Weissman currently are—for conveying national security information orally, with no documents involved.

Steve Pomerantz, the former chief of counterterrorism for the FBI, says that his division—which, in the early '90s, also investigated classified disclosure cases—never got very far in their investigations. "If you look at this as a conspiracy, then there are two parties: the leaker and the reporter," he says. "As a matter of practice, we never went near the reporters," a custom that Pomerantz contends made it nearly impossible to catch the leakers. "I never remember in my time a successful prosecution of a leak case," he says.

But, in recent years, there has been mounting pressure from both federal officials and Congress to end this custom. The reason is articles like one published by *The Washington Times* on August 21, 1998. The story was a profile of Osama bin Laden, following President Clinton's missile strikes on the Al Shifa chemicals factory in Khartoum and a training compound in Afghanistan. Near the bottom of the dispatch, reporter Martin Sieff wrote that bin Laden "keeps in touch with the world via computers and satellite phones." This may sound like an innocuous detail, but, according to the 9/11 Commission Report, Al Qaeda's leadership stopped using their satellite phones almost immediately after the story was published, thus eliminating the possibility of using satellite signals to locate and assassinate them. As former Clinton National Security Council officials Steve Simon and Daniel Benjamin wrote in their book, *The Age of Sacred Terror*, "When bin Laden stopped using the phone and let his aides do the calling, the United States lost its best chance to find him."

Troubled by the *Times* report and other similar incidents, Senator Richard Shelby attempted to change the nation's espionage laws in 2000, when he was the chairman of the Senate Select Committee on Intelligence. Shelby wanted to expand the category of "national defense information" to include anything from classified diplomatic discussions to more technical intelligence. President Clinton vetoed the original version of the Intelligence Authorization Act in order to block the Shelby proposal. Pentagon spokesman Kenneth Bacon said at the time that the Shelby measure would be "disastrous for journalists." The next year, with a new administration in the White House, Shelby again tried to change the espionage law, but eventually dropped the idea after Attorney General John Ashcroft promised, as he put it in a letter to Congress on October 15, 2002, to review the "current protections against the unauthorized disclosure of classified material." It is from this review that the seeds of the Rosen and Weissman indictment were sown.

BEGINNING IN 2001, after the September 11 attacks, a group of top intelligence professionals began examining the legal authority to go after leakers. The review, commissioned by Ashcroft, ultimately concluded that the current espionage law was adequate. But, at the same time, Ashcroft implemented a policy of aggressively targeting anonymous sources who show up in newspapers touting national secrets. As he wrote to Congress in 2002, the fact "that only a single non-espionage case of an unauthorized disclosure of classified information has been prosecuted in over 50 years provides compelling justification that fundamental improvements are necessary and we must entertain new approaches to deter, identify, and punish those who engage in the practice of unauthorized disclosures of classified information."

Ironically, Shelby himself was among the first snared in the Justice Department's new anti-leaking dragnet. In the summer of 2004, the FBI recommended that the Senate Ethics Committee investigate Shelby for leaking two National Security Agency (NSA) intercepts received before the September 11 attacks to Fox News and CNN in 2002. These were the famous messages that warned, "The match begins tomorrow" and "Tomorrow is zero hour."

But the senator from Alabama was not the only one. According to a government source, the Pentagon's National Criminal Investigative division began probes in 2002—with FBI guidance—to determine who leaked secret war plans to *The New York Times* and *The Washington Post* in June 2002. At the State Department, diplomatic security launched an investigation into David Wurmser, an aide to John Bolton, for leaking a letter from Secretary of State Colin Powell to the Pentagon objecting to the Syria Accountability Act. The letter ended up being the basis for a story in *The Jerusalem Post*. And the White House knows all too well the problems it faces from special prosecutor Patrick Fitzgerald, who has yet to bring charges against the official who told journalist Robert Novak that Valerie Plame was a CIA officer. Fitzgerald has already sent *New York Times* reporter Judith Miller to jail for not revealing her source for a story about Plame that she never ended up writing. But McNulty's novel prosecution of Rosen and Weissman in many ways provides the legal test case for Ashcroft's new get-tough policy.

FROM THE INDICTMENT, it appears that the two AIPAC officials came to the attention of the FBI at least as far back as 1999, when both lobbyists showed up in intercepted phone conversations and meetings with Israeli embassy officials. The FBI has never said publicly why it began monitoring the lobbyists' activi-

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Racism in the Islamic World

How can peace prevail in the Middle East in the face of Islamic bigotry and hate? When will moderate Muslims speak out?

For years, the U.N., led by Islamic and Arab nations and their sympathizers, has accused Israel of racism, but the world consistently turns a blind eye to open, seething anti-Semitism in Islamic society.

What are the facts?

In one of the most astonishing propaganda coups ever, a United Nations conference on racism, which took place in Durban South Africa in 2001, declared that Zionism is racism. No wonder the U.S. and Israel walked out of the meeting, which was dominated by representatives of Islamic and Arab states and other anti-Israel forces, and whose conclusions were predictable from the outset.

> "Until Muslims reject racism in all forms, they can't expect Islam to enjoy full respect as a political and spiritual force."

The supreme irony of this conference was that it accused no other nation of racism—only Israel. In truth, Israel is perhaps the most racially and ethnically diverse and tolerant country in the world. More than half of Israel's Jewish population consists of people of color—blacks from Ethiopia and Yemen, as well as brown-skinned people from Morocco, Iran, Syria, Egypt and Israel itself. In addition, Israel's population includes more than one million Arabs, who enjoy the same civil rights as Jewish Israelis. In Israel hate speech is banned, and it is against the law to discriminate based on race or religion.

In contrast, anti-Semitism—a poisonous form of racism directed specifically against the Jewish people—is rampant in most all Islamic societies. Not only is anti-Semitism commonplace in Muslim nations, but it is propagated shamelessly by their leaders, in state-sponsored media, and by Muslim clergy.

For example, Malaysian Prime Minister Mahathir Mohamed declared in a 2003 speech to the Organization of Islamic Conference that, "today Jews rule the world by proxy. They get others to fight and die for them." Imagine if an American president had made a similarly sweeping and bigoted statement about blacks, Latinos or any other race—what a justifiable uproar, perhaps even an impeachment, would ensue. Yet there was no condemnation by the Muslim world of Mohamed's comments. Rather, virtually all of the conference's Muslim leaders actually voiced their approval.

In response to a terrorist attack in Saudi Arabia in May 2004, Crown Prince Abdullah declared that "Zionism is behind [these] terrorist actions in the kingdom." (Zionism is the code word often used by Islamic anti-Semites for Jews.) U.S. Congressman Tom Lantos called the Prince's assertion "an outrage . . . blatant hypocrisy," but Islamic leaders were silent. In fact, millions of Muslims still insist that Zionists were behind the September 11 attacks on the World Trade Center.

Anti-Semitism is expressed so freely and ubiquitously in most Islamic societies that no citizen can escape it. During Ramadan in 2002, Egypt's state-controlled TV aired "Horseman Without a Horse," a program based on the notorious forgery, *The Protocols of the Elders of Zion*, in which Jews allegedly use the blood of non-Jews to make Passover matzot. In Iran, a TV series, "Zahra's Blue Eyes," portrays "Zionists" kidnapping Palestinian children and harvesting their organs.

Perhaps nowhere is the hatred of Jews more virulent than among the Palestinians. Most perniciously, Palestinian children are taught in school that Jews are descended from apes and pigs and that the most noble thing they can do is to kill Jews. Muslim clerics like Imam Ibrahim Madiras, an employee of the Palestinian Authority, declared in a 2005 television sermon, "Jews are a cancer" and later that, "Muslims will kill the Jews . . . [and] rejoice in Allah's victory." No surprise, then, that the 1982 doctoral dissertation of Palestinian president Mahmoud Abbas makes the astounding claim that "Zionists" collaborated with the Nazis to annihilate the Jewish people in order to drive the survivors to Palestine.

Anti-Semitism and the prospects for peace: Islamic anti-Semitism permeates the Arab Middle East and creates an atmosphere in which Jews are reviled and represented as subhuman. How can the Palestinian people embrace peace with a people represented by their religious and political leaders as dehumanized, evil beings? Even more importantly, how can Israel be expected to trust a so-called peace partner who expresses abject hatred and murderous intent toward Jews on a daily basis? Yet the U.S. and many European nations continue to demand that Israel make one-sided sacrifices for peace with a people steeped in racism and committed to its destruction.

Until Islamic leaders muster the integrity to relentlessly condemn anti-Semitism (and its evil twin, anti-Zionism), we can't expect Israel to accept a forced peace with the Palestinians. Likewise, until moderate Muslims reject racism in all forms, they can't expect Islam to enjoy full respect as a political and spiritual force among the world's people.

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ties, but the reason may have to do with the hunt for an Israeli spy code-named "Mega." In 1997, *The Washington Post* was leaked a story alleging that the NSA had intercepted a communication from an Israeli intelligence officer in Washington to his superior in Tel Aviv. The Israeli agent was reportedly relaying a request from the Israeli ambassador to use a source called Mega to procure a copy of a letter detailing what assurances then–Secretary of State Warren Christopher had offered Yasir Arafat in light of the withdrawal of Israeli troops from Hebron.

According to sources inside and outside the government, the Israeli embassy has been watched by the FBI ever since the NSA intercepted the Mega message in January 1997. It may well turn out that, as the FBI was watching the Israelis to learn more about Mega, they stumbled upon these two lobbyists who regularly met with Israeli diplomats and suspected they were part of the plot.

Franklin's lawyer, Plato Cacheris, says that the FBI asked his client in 2004 to cooperate in what he was told was an espionage investigation. Franklin agreed in July 2004 to wear a wire and to tell Weissman about an Iranian plot to target Americans and Israelis in Iraq. "From my knowledge of FBI procedure, this was either an espionage case or an intelligence case," Pomerantz said—a contention supported by interviews with three other government officials.

But the two were never charged with espionage. And, as the indictment shows, the activities the prosecutors contend constitute a criminal conspiracy hardly look like spying. To start, Rosen and Weissman made no efforts to hide their meetings with American and Israeli officials. They met with Franklin in Arlington, Virginia, restaurants. Franklin met with Israeli diplomat Naor Gilon at the Pentagon Officers' Athletic Club. In many instances, Rosen and Weissman discussed their meetings with Franklin on the phone.

Instead, what Rosen's and Weissman's moves look like is lobbying. For example, on June 11, 1999, Weissman had a conversation with an Israeli embassy official identified in the indictment as "Foreign Official 1." During that conversation, Weissman tells the foreign official that he has piqued the interest of a reporter regarding a classified FBI report on the terrorist bombing of a U.S. military complex in Saudi Arabia known as Khobar Towers. On December 12, 2000, Rosen interested a reporter in Iraq policy options shared with him and Weissman by an American government official. (The Jewish Telegraphic Agency last month identified that official as former National Security Council Middle East analyst Kenneth Pollack.) When Franklin finally enters the picture, he attempts to enlist Rosen's help in obtaining a job at the National Security Council and presses him to warn the White House about Iran's nefarious intentions against American soldiers in Iraq.

"If there is a conviction in this case, anyone who talks to anyone in government could be liable if he discusses the substance of the conversation with any foreign national or a reporter," says Morris Amitay, a former executive director of AIPAC. (The current leadership of AIPAC has taken a very different view of the prosecution. Following the August 4 indictment, AIPAC spokesman Patrick Dorton said, "AIPAC dismissed Rosen and Weissman, because they engaged in conduct that was not part of their jobs, and because this conduct did not comport in any way with the standards that AIPAC expects of its employees.")

THE POTENTIAL CHILLING effect the Rosen and Weissman prosecution may have on the press, government watchdog groups, and lobbyists has brought the two former AIPAC officials plenty of allies. Kate Martin, director of the Center for National Security Studies, a civil liberties group, says, "The truly unprecedented and shocking point of this prosecution is that the government claims that the effort to obtain information for publication is itself a crime." And Steve Aftergood, an intelligence expert at the Federation of American Scientists, notes that "very few people outside of government will ever get their hands on classified documents. But everyone who reads the newspaper is in possession of classified information."

And, arguably, the ability of the press to seek out and publish classified information is more important now than ever before. Last year, the National Archives Information Security Oversight Office, which tracks the proliferation of classified information, said that government agencies reported 15,645,237 decisions to classify material, a 10 percent increase from the year before. It's hard to believe that the Justice Department or the FBI can or should protect that many secrets.

There are those who argue that the war on terrorism necessitates more secrecy than past conflicts. Representative Pete Hoekstra, the chairman of the House Select Committee on Intelligence, says he is so concerned about recent leaks that he plans to hold hearings, beginning this month, on whether it's necessary to revise the espionage statute to give the Justice Department more authority to prosecute leakers. But Hoekstra also wants to revise the way information is classified to curb what he calls "excessive overclassification."

Until that happens, leaks arguably serve a vital function in U.S. democracy—helping to ensure that the public can make informed decisions about national security policy. As Max Frankel, the former executive editor of *The New York Times*, put it in 1971, during the Nixon administration's case against the paper for printing the Pentagon Papers, "[P]ractically everything that our Government does, plans, thinks, hears and contemplates in the realms of foreign policy is stamped and treated as secret—and then unraveled by that same Government, by the Congress and by the press in one continuing round of professional and social contacts and cooperative and competitive exchanges of information." The question—to be decided by a Virginia jury next year—is whether that unraveling will continue any longer. ■

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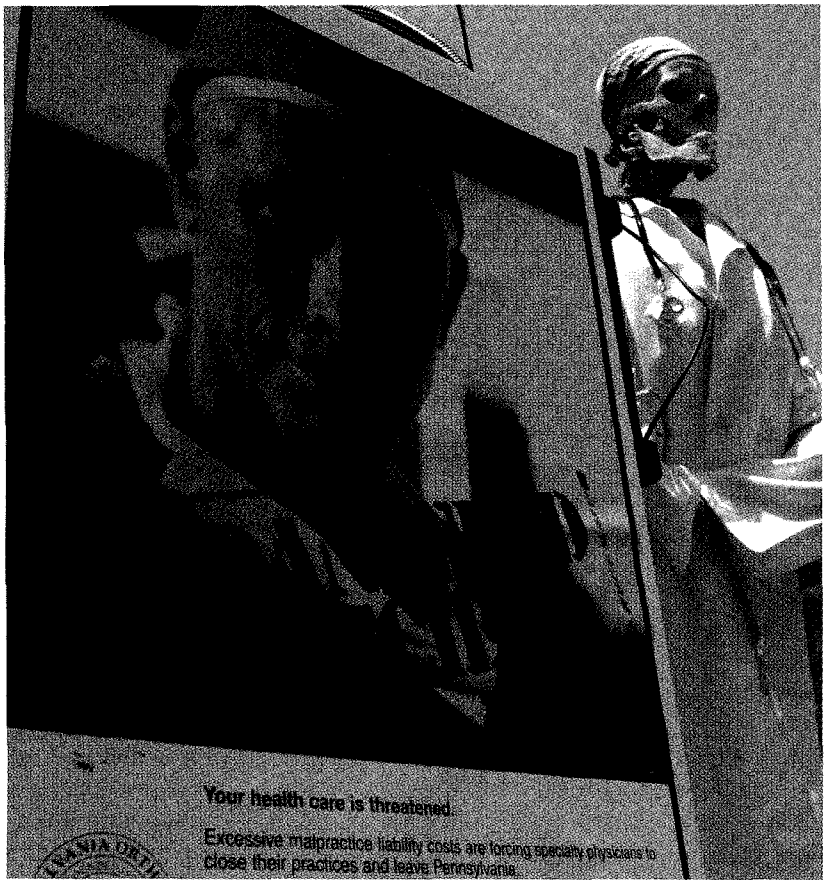
Compensating injured patients while fixing medicine.

Malpractice Makes Perfect

BY ROBERT A. BERENSON


Your health care is threatened.
Excessive malpractice liability costs are forcing specialty physicians to close their practices and leave Pennsylvania.

Doctors showed this poster during a 2003 Philadelphia protest for medical liability reform.

YOU WOULD THINK Susan Sheridan would be opposed to medical malpractice reform. After all, Sheridan has lived through two medical catastrophes. A decade ago, her newborn son, Cal, suffered kernicterus, a brain injury producing cerebral palsy and other neurological defects, caused by the failure to recognize and treat neonatal jaundice. A few years later, her husband, Pat, died from spinal cancer because of a miscommunication between the hospital pathology department, the operating surgeon, and the patient. Pat was never told that the tumor that had been removed from his cervical spine was not benign, as initially thought; it was actually a malignant sarcoma. When it recurred six months later, the window for potentially life-saving treatment had closed.

Sheridan, an energetic and savvy forty-something from Eagle, Idaho, now spends her days advocating for Cal. At ten, he is undeniably bright, already reading at least at a sixth-grade level. He is a budding poet and filmmaker with a highly ironic sense of humor (even though his hearing and speech are impaired), he drools, he can't dress himself, and his arms and legs flail uncontrollably.

Given her experiences, Sheridan might be expected to oppose any attempts—including a proposal currently being pushed by President Bush—to limit the amount of money plaintiffs can win in malpractice suits. But, like growing numbers of people who have been involved in malpractice cases, Sheridan believes the current malpractice system stands in the way of long overdue efforts to improve patient safety. The organization she co-founded, Consumers Advancing Patient Safety, is working to forge a partnership between consumers and health care providers to puncture the complacency about medical error. Meanwhile, she faults both the current system that trial attorneys defend and the president's attack on lawsuits and trial attorneys.

Sheridan advocates a different approach to malpractice reform, one that permits doctors and patients to become allies in trying to make health care safer by encouraging transparency with regard to medical errors. The idea is to allow patients to be promptly and fairly compensated for their avoidable injuries while turning errors into lessons that can improve patient safety. She sees the current malpractice system and the wall of silence between doctors and their patients as a barrier to that life-saving alliance. The president's proposal—which has passed the House and faces uncertain prospects in the Senate—would do nothing to break down the wall. Rather, by placing an arbitrary cap on noneconomic damage awards, it would make it even more difficult for injured patients to sue. Yet, it would neither make the system safer nor promptly compensate injured patients.

Robert A. Berenson, M.D., is a senior fellow at the Urban Institute.

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THE MAIN REASONS our legal system permits individuals to bring tort suits are to appropriately compensate negligently injured patients and to deter substandard care. But the current malpractice system fails to adequately do either of these things. Dozens of patients die daily from avoidable medical errors, and hundreds more suffer permanent disability and disfigurement. Despite studies suggesting that many of these errors can be avoided, the public seems to believe, as most physicians do, that "mistakes happen." They are unfortunate but inevitable side effects of modern medicine.

Meanwhile, trial attorneys reasonably assert that the problem with the malpractice liability system is actual malpractice, plain and simple. But they don't own up to the fact that state-based variations in the current tort system don't deter substandard care. If lawsuits inspired better medicine, the current system's inefficiency—60 percent of its costs support lawyers, expert witnesses, and court operations rather than compensating injured patients—might be acceptable. But, while malpractice insurance costs and payouts keep rising, health care does not get appreciably safer. For example, adverse drug events are estimated to kill or injure more than 770,000 people in hospitals each year, with prescribing errors as the most frequent source. Efforts to improve the situation have focused on computerized order-entry systems, but even these have not greatly reduced prescription errors. With some notable exceptions, such as the efforts by the American Society of Anesthesiologists to reduce anesthesia injuries—and malpractice claims—starting in the 1980s, the malpractice system has not been successful at enhancing patient safety.

Compounding the problem, the political parties defend their client-contributors' interests. Significantly bankrolled by trial attorneys, the Democratic Party finds little about the malpractice tort system to criticize, and it muddies the waters by blaming rapidly escalating malpractice insurance premiums solely on supposedly avaricious and incompetent insurance companies.

For their part, Republicans have long aligned themselves with organized medicine, decrying government's expanding role in health care. The Bush administration and congressional Republicans, led by surgeon and Senate Majority Leader Bill Frist, have adopted as their own the American Medical Association (AMA)'s malpractice position: Cap noneconomic damage awards and limit attorney fees. Other business interests that stand to benefit from the Bush administration's medical malpractice legislation—pharmaceutical companies, medical device manufacturers, and health insurers—have joined forces, too. (If this particular provision were the law today, Merck's potential liability would be minimal even though it seems likely that it covered up data showing that the pain reliever Vioxx was dangerous to the heart.) The U.S. Chamber of Commerce has also signed on, hoping federal tort reform of medical malpractice will create the momentum for passing other pro-business federal litigation reforms.

THE UNWITTING CONSPIRACY between doctors and lawyers to frustrate the public interest in fixing malpractice liability plays out not only in state legislatures and the halls of Congress, but also in the legal system. As with most torts, more than 90 percent of medical malpractice claims are dropped or settled before they ever get to court. In settlements, the parties typically agree to seal court records. Physicians and hospitals naturally want to protect their own reputations through such gag clauses, while insurance companies do not want the amounts of prior settlements to become precedents for subsequent claims. If agreeing to keep the details of the case secret makes the deal, injured plaintiffs and their lawyers, who stand to collect contingency fees usually worth a third or more of the settlement, go along. Often the promise of secrecy is a bargaining chip.

Only the public is harmed by sealed settlements. That's because only by flushing out all information can the causes of errors and accidents be identified and reduced. Six years ago, the Institute of Medicine (IOM) of the National Academy of Sciences documented in a report, titled "To Err is Human: Building a Safer Health System," that firms like DuPont and Alcoa in other high-risk industries far outdo health care providers in systematically collecting, analyzing, and publicly reporting data about accidents in order to make workplaces safer. In organizations like these, with a culture of safety, mistakes are usually treated as treasures to be learned from, not kept hidden. Errors made while acting in good faith generally aren't punished or sanctioned, whereas complacency, cover-ups, or other failures to join the effort to identify and manage risk are.

The concern that sealed malpractice settlements can stifle patient safety efforts is not merely theoretical. When Cal Sheridan was born a decade ago, he was a healthy, full-term infant. His brain injury was suffered when he was six days old, by failure to treat his neonatal jaundice, an injury so preventable that the National Quality Forum now includes it on a list of 27 "never events" that just should not occur in the United States.

Kernicterus, Cal's condition, had been a well-recognized diagnosis for decades. Indeed, when I was in medical school in the 1970s, we commonly placed babies "under the lights"—simple fluorescent lights—to control their jaundice and head off brain damage. By 1980, the problem had essentially disappeared, thanks to early detection and treatment. But hospital stays after delivery got shorter, patient education about this disappearing complication ceased, and neonatal testing for rising bilirubin levels, an early marker for the disease, became less common; the trend reversed. At least 125 children have suffered from the devastating complications of kernicterus in the past 15 years.

These cases were apparently well-known among plaintiffs' attorneys and expert witnesses. Most were litigated and successfully settled. Yet, once the settlements were sealed, the parties were not permitted to discuss the findings. Often, awards to the injured children were conditional, with penal-

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ties assessed if their parents dared to go public. As a result, it took many years for public health authorities, practicing pediatricians, and hospitals to discover the condition's reemergence. Finally, in 2000, Sheridan and other parents of these needlessly brain-damaged babies began to speak out publicly, usually against their own lawyers' advice.

THE PRESIDENT'S MEDICAL tort reform proposals do nothing to address this code of silence. But they do address one real and growing problem: that some specialists now face exorbitant costs to obtain professional liability insurance. And, in contrast to the malpractice insurance "crises" that struck in the mid-'70s and again in the mid-'80s, this time around, physicians find it much harder to pass along the costs of escalating premiums. The reason is that virtually all of the third-party payers, including private insurers, Medicare, and Medicaid, have adopted fixed-fee payment schedules that don't automatically rise to accommodate large malpractice insurance premium increases. An obstetrician in Miami asked to pay $200,000 or more a year for liability insurance cannot simply throw that overhead cost into the price of a delivery.

Others in particularly high-risk specialties include neurosurgeons, orthopedists, and emergency room physicians. These doctors provide very technical services, often in stressful emergencies, where a slip or an error in judgment can produce a devastating, if unintentional, injury. In the face of severe and often unforeseen outcomes, some injured patients or their families will sue, whether or not actual negligence can be proved. Calling these suits frivolous does not capture the human anguish that usually underlies the difficult decision to file a malpractice suit.

Without question, the underwriting cycle for insurance, reduced investment income from a declining bond market, and shocks to the reinsurance market from costly events (including the World Trade Center attack and now Hurricane Katrina) have elevated insurance premiums. Although the evidence is hotly contested, it appears that payouts from malpractice settlements and court judgments have been rising modestly as well—at about the rate of health care cost inflation.

The president's malpractice liability reform proposals come straight out of 30-year-old California legislation called the Medical Injury Compensation Reform Act. Researchers and insurance company actuaries agree that one provision of that act—capping noneconomic damages for "pain and suffering" and other intangible, but real, losses—has been most responsible for moderating the rise in malpractice insurance premiums in California. The administration's proposal contains the same flat cap of $250,000 on noneconomic damages that California enacted 30 years ago. That was a lot of money in 1975 (it would be equivalent to about $900,000 today), but it isn't that much now, especially when you consider that health care costs continue to rise far faster

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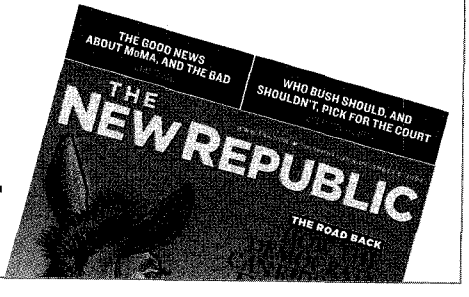

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than the general inflation rate. And research confirms what one would expect when an arbitrary, inflexible cap is placed on noneconomic damage awards for medical injury. By making the most lucrative cases worth less, these caps somewhat reduce the number of cases that plaintiffs' attorneys will take. But the cap's effect will be to weed out both the nonmeritorious cases that the president wants to eliminate as well as meritorious cases for individuals who cannot claim substantial economic harm from lost wages but have nevertheless suffered very real loss—of fertility, for instance—due to negligence.

These flat caps on noneconomic damages disproportionately hurt children, homemakers, and seniors. They also substantially reduce judgments in successful cases. Last year, a RAND Corporation study documented that California caps cut defendants' payments to plaintiffs who win at trial by 30 percent and that plaintiffs with the most severe, nonfatal injuries, such as brain damage and paralysis, saw their noneconomic damages capped far more often than those with less severe injuries. In the RAND study, successful plaintiffs younger than age one had awards capped 71 percent of the time. Clearly, injured babies are going out with the bathwater as some of the most deserving patients are deprived of the compensation required to help pay their lawyers' contingency fees and ongoing bills for health care and rehabilitation.

The Congressional Budget Office estimates that the proposals in the administration's malpractice reform package, centered on the noneconomic flat cap, might decrease liability insurance premiums by 25 to 30 percent. But would this federal malpractice reform package help reduce the skyrocketing costs of the health care system, as the president has frequently asserted? With national spending on health care approaching $2 trillion, adopting the president's cap nationally would save perhaps $10 billion per year. That's about an eighth of what the new Medicare prescription-drug benefit alone will cost annually starting next year.

The president also claims that his plan would reduce "defensive medicine" and save the country another $60 to $100 billion a year. Physicians surely do perform tests and procedures for legal, defensive reasons rather than sound, clinical ones, thereby increasing costs. But some defensive medicine also reduces costs. For example, obstetricians may turn high-risk pregnancies over to specialized centers because they are concerned about legally defending the inevitable bad outcomes. But specialized centers might achieve better outcomes, thereby holding health care costs down while decreasing the chances for a suit. Who knows?

Certainly not the president. He relies on one disputed study to estimate large cost savings, while ignoring other studies suggesting that defensive medicine is not so costly. Simply put, there is no good evidence on how much defensive medicine raises health care costs, much less evidence showing that capping noneconomic damages somehow makes physicians less defensive. Yet it is on this bare thread of defensive medicine logic that the president rests his case that his proposed legislation would rein in health care costs.

By denying compensation to the most severely injured patients, the administration's proposal actually would exacerbate the current malpractice system's failings. Fewer people would receive the compensation they need and deserve. And caps and related barriers to litigation only undercut the deterrent signals the tort system is supposed to send doctors.

WORSE, A LEGISLATIVE compromise on caps—indeed, any sort of tort reform—would still not address the fundamental flaws in the malpractice liability system. The landmark Harvard Medical Practice Study—which scrutinized the records of over 30,000 hospitalized patients in New York state hospitals in 1984—found that less than 3 percent of negligent injuries resulted in claims, and only 17 percent of claims appeared to involve negligence. Rather, patients with serious disabilities unrelated to medical negligence tended to file claims and then often settle them. Subsequent studies in Colorado and Utah using 1992 data found similar results. Given the inconsistent signals sent by the malpractice system, it is not surprising that no evidence shows that patient safety has been substantially improved by the threat of suit, despite the billions spent on lawyers, expert witnesses, and the courts. The tort system and the slowly developing patient-safety movement simply function in separate worlds.

Real reform would join those worlds. And there are promising proposals to do just that. Three years ago, the IOM responded to the challenge of then–Secretary of Health and Human Services Tommy Thompson to propose innovative pilot projects that would serve as models for the reform of the health care system. The two professional liability proposals (to which I contributed) were based on ideas that have been long discussed in academic circles but ignored politically.

Although the approaches differ in their details, both IOM reform models would automatically, quickly, and equitably compensate patients who had experienced avoidable injuries, and neither would require the plaintiff to prove negligence in traditional courtrooms. Compensation for avoidable injuries would be determined in nonadversarial forums, now often described as "health courts," where judges or settlement mediators experienced in medical injury would hear cases without juries. Because the risk associated with the unpredictable outcome of a lengthy suit would disappear, plaintiffs' attorneys would no longer have a claim to a high-percentage contingency fee. For many avoidable medical errors, compensation would be automatic based on the nature of the injury. In this new environment, with more assured compensation, the IOM committee argued, limits might be fairly placed on the damage awards.

Importantly, both approaches would substitute the standard of "avoidability" for the current one of "negligence" in assigning liability for errors. Avoidability is a statistically determined listing of complications that generally should not occur under competent medical care. Negligence requires a

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determination that a practitioner failed to meet a particular standard of care and is very fact-specific. It leads to dueling expert witnesses in an adversarial legal proceeding.

Although avoidable occurrences represent a broader set of cases than those deemed negligent, judging cases would be much easier because it would not require determining whether a particular standard of care had been breached. Also, because candor no longer could undermine a medical practitioner's defense, physicians could acknowledge mistakes to their patients and colleagues and, yes, apologize where warranted. Perhaps most important, errors would no longer be kept hidden, and providers could be held accountable for their performance in protecting patient safety.

Although the political lens is still focused on the president's California-based model, for the first time in 30 years of periodic malpractice crises, there seems to be genuine interest in alternatives to the current system, with or without damage caps. Admittedly, the IOM proposals represent radical alternatives to the prevailing tort system and, with many moving parts, need extensive testing before broad application. But the Joint Commission on Accreditation of Healthcare Organizations recently endorsed testing similar models. In achieving fairer and surer compensation, these approaches might prove more expensive than the current court-based one, at least initially. If so, the increased costs might have to be shouldered not only by providers but also by the public, whose long-term interest is in reform-driven improvements in safety and transparency. Wyoming Senator Michael Enzi, the chairman of the Health, Education, Labor, and Pensions Committee, and Montana Senator Max Baucus have introduced legislation that would provide federal support for such demonstrations.

WHILE ESTABLISHMENT ORGANIZATIONS are raising these new ideas, an equally important development is taking place at the grassroots level, with the emergence of an organization called the Sorry Works! Coalition. Doug Wojcieszak, a Glen Carbon, Illinois, p.r. consultant, once made a living helping Illinois Lawsuit Abuse Watch and other tort reform advocates sell their cases for caps on damages. But after his 39-year-old brother Jim died in 1998 from what might have been a preventable heart attack, his family ran up against the same wall of silence in Illinois that Susan Sheridan faced in Idaho. Doug's father, Ray, a PhD engineer, was amazed that the hospital apparently made little effort to learn from the string of errors that led physicians to dismiss Jim's symptoms, thereby missing the correct diagnosis of severe coronary artery disease until it was too late. The family sued for malpractice, partly hoping that corrective action would prevent similar errors in the future. The settlement was sealed.

Sorry Works! is built on the premise of forthright and routine disclosure to patients and families of what went wrong, sometimes with an apology and an offer of fair compensation for losses. As Wojcieszak has said, "More patients get justice; there are fewer lawsuits, so it lowers liability costs; it reduces errors in the long run; and the constitution [of Illinois] isn't altered [to permit caps]. It's truly a middle-ground solution." Partly based on his initiative, the Illinois legislature passed legislation that would promote a pilot test of the approach in two Illinois hospitals. A number of hospital systems around the country and the Veteran's Administration are also committing to full disclosure of errors and, in some cases, prompt settlements to head off litigation.

A Sorry Works! approach would surely benefit injured patients and their families, many of whom just want to know what went wrong and why. But this commitment to candor might also help physicians themselves. Although rarely acknowledged, physicians, too, are harmed by the secrecy that the current medical malpractice system promotes. As a young physician still in training, I did not come forward to disclose what was probably my error in appraising the results of a patient's chest x-ray, possibly leading to his subsequent serious illness and disability. I followed the advice of the hospital's risk manager, who told me, in effect, to let sleeping dogs lie. My patient and his family deserved to know that my mistake might have contributed to his illness. And I should have been acting in the best interest of my patient, not my own. Just as important, the delivery system of which I was part should have learned from my error, and the many others that remain hidden, to adopt patient safety approaches that accept that human errors in medicine are inevitable but should not be allowed to harm patients.

IT IS HUMAN nature to shrink from one's own errors. It is particularly hard for professionals to admit they failed to meet their profession's standard of care. With medical malpractice, it is now time to overcome the natural tendency to cover one's tracks. Require physicians and hospitals to provide honest and forthright disclosure in all cases when serious errors were made. Permit professionals to apologize when appropriate, without fortifying a potential legal claim. Turn errors into treasures that can lead to improved patient safety.

To promote physician apologies for errors, some states are considering legislation that would make certain kinds of apologies voiced under carefully defined circumstances inadmissible as evidence in a subsequent malpractice lawsuit. Unfortunately, this well-intentioned approach will fail as long as the legal system is at the ready to say, "Gotcha."

Instead of trying to wall off the malpractice system from physicians' and hospitals' important disclosures about errors, it is time to change the legal system so that candid disclosure of errors is routinely provided, not just permitted under particular circumstances. And, because full candor would tilt the legal balance of power, an entirely different system outside of adversarial courtrooms must be developed. Instead of debating different versions of the current, failed malpractice liability system, Republicans and Democrats should be talking about how to proceed to test new approaches. It is time to test whether Sorry really does work. ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Truth-Seekings

JOHN MADDEN, THE ENGLISH DIRECTOR of theater and film, is best known in this country for *Shakespeare in Love*, though *Ethan Frome* and *Mrs. Brown* were also exceptional. Gwyneth Paltrow is a gifted actress who needs a good director. Other directors have helped her, but her performance in the Shakespeare picture under Madden's hand took her into new reaches. Now Madden and Paltrow are paired again—in a venture that entailed risks.

PROOF
(Miramax)

EVERYTHING IS ILLUMINATED
(Warner Independent)

David Auburn's play **PROOF**, which won a Pulitzer Prize, has been adapted for the screen by Auburn and Rebecca Miller. It concerns Catherine (played by Paltrow), the daughter of a famous mathematician at the University of Chicago who had been suffering mental lapses and has recently died. The very first scene puts us on guard: Catherine has a conversation with her deceased father who is quite visible and audible. (Anthony Hopkins enjoys the role.) We immediately wonder whether this is going to be a misty work about a revenant or whether Catherine is imagining the conversation. More in hope than anything else, we opt for the latter, and are sustained. In flashback scenes she has many conversations with her father, back when he was alive, and has more postmortem chats, so we can infer that he continues in her mind, not as a ghost but as a permanent companion.

Involved, too, is Catherine's sister, Claire (Hope Davis, an intelligent actress). She works in the New York business world and has come to Chicago for the funeral but also to take Catherine back with her. Claire is fearful that her sister, who has dropped her own math studies, may also be on the edge of mental imbalance. The sisters quarrel, sometimes lovingly. Also very present is a young math graduate student at Chicago, Hal (pleasantly played by Jake Gyllenhaal), who has arguments and an affair with Catherine.

Hal is mining all 103 of the father's remaining notebooks in search of treasures. The crux of the story is a notebook that contains a world-shaking math discovery. (Is there any other kind in films?) This notebook may possibly have been written by Catherine, not her father. *Proof* is careful not to decide.

Of course the title has multiple meanings. The matter of mathematical proof, the proof of who wrote the brilliant math discovery, the very concept of proof itself—these aspects are inherent in the title. The drama of the sisters and Hal and the past-and-present father drags a bit because some of the time it seems to be not much more than elevated bickering. All in all, this is the sort of work that gets credit for more gravity than it genuinely possesses, merely because of its subject.

The risk in this project for Madden was that, for all the flexing that Auburn and Miller did, the script is still essentially a play. For decades now, this has not meant that the original had to be blatantly "cinematized," but it does mean that the script tends toward development in situ without film's basic urge to move physically onward. A director of Madden's sensibility knows that a key requirement is to "cinematize" the acting whether or not the cast is from the theater. To play for an audience of one that is only a few feet away is different in concentration and shade from playing in the theater, and Madden, though the script lags a bit, has nonetheless helped his actors to render what were once theater scenes as film sequences.

For Paltrow the risk was in her very acceptance of the part. Madden's presence must have been a factor, but Catherine is not a character designed to win an audience. She is neurotic—a catchall term that here includes anger, fear, spite, and outbursts of affection that have little to do with a desire to be liked. Catherine was a high-wire role for an actress who may be evolving into a star. With Madden's help, Paltrow confirms her quality by never playing for sympathy.

When Liev Schreiber had his first major Broadway role in Harold Pinter's *Moonlight* in 1994, it was clear that someone of potential importance had arrived. The word "magic" has been worn to banality, or it would serve to describe the effect. Schreiber walked onstage as if the universe had been designed for him to do so. Naturally he was soon tapped for films. His choice of film roles has been spotty, still he has moved upward in regard, and now he has directed a film. It would be structurally neat to say that this debut parallels his acting debut, but it doesn't. His directing is ambitious, but it is nowhere near the originality and truth in his acting. Throughout the film we can feel him striving to control, to invent, to glisten.

He made his own adaptation of Jonathan Safran Foer's novel **EVERYTHING IS ILLUMINATED**, whose theme is that the past illuminates the present. Not having read the book, I can't comment on Schreiber's adapting skill: I can say only that the screenplay obediently follows an almost visible blueprint until it reaches a mildly moving finish, and then goes on for a while after it is over.

The leading character bears the author's name, though this is not autobiography. He is a young American Jew who is fascinated by his family's history, especially as it winds through twentieth-century European history and the Holocaust. To find out who helped his grandfather to escape the Germans, Jonathan goes to the Ukraine (the picture was actually shot in the Czech Republic). Throughout the film he wears a formal suit, white shirt, and black tie; this denotes, not quite with subtlety, that he is a visitor to this milieu. He engages a guide

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and a driver to help him find the village of his family's origin. The guide and the driver are colorful characters of the fictional kind that seem to be waiting offscreen for a story like this to come along. The guide is a youngish rogue who speaks fractured American slang. The driver is his grandfather, a grouch who likes to pretend to be blind and who turns out to have depths. This pair insists on taking with them their dog—called Sammy Davis Jr. Jr. The whimsy warnings are thus well flashed, in contrast with a subject that could hardly be more grim.

Jonathan and these two and the dog travel along in a shabby car, having a series of minor incidents that are intended, like the driver and the guide, to be savory, "European." Their travels are accompanied by jaunty music meant to make the story quaintly adventurous but which only emphasizes that it is not. At last, in a small house in the middle of a gorgeous field of sunflowers, they meet an elderly woman who eventually answers the questions that Jonathan is asking. The face of that elderly woman, played by Laryssa Lauret, is the film's chief reward. Lauret's performance is, in fact, too lovely for this strained quasi-comedy.

Elijah Wood plays Jonathan like a life-size puppet. The idea of the engulfing of an ultra-neat American youth by European bizarrerie, the attempts at flavorful characters, the eager music, the camera's color-splashes—these remain manipulated elements in a film that explains some things but illuminates nothing. Judgment on Schreiber's directing future is not needed; but I certainly hope that he will not give up acting. ■

David Rieff

The Cowboy Culture

The false friends of the American military.

IMPERIAL GRUNTS: THE AMERICAN MILITARY ON THE GROUND
By Robert D. Kaplan
(Random House, 421 pp., $27.95)

THE FRENCH WRITER JEAN Larteguy is largely forgotten now, but in the late 1950s and early 1960s his novels chronicling and celebrating the French paratroopers' fight against Vietnamese and Algerian revolutionaries, first for empire and then for a metropole stretching from Normandy to the Sahara, were immensely popular. These books, which were very skillfully written, had titles such as *The Mercenaries*, *The Centurions*, and *The Praetorians*, all evocative of the comparison that was central to Larteguy's vision: the French troops as latter-day Roman centurions holding the line against the barbarians, exactly as their Roman ancestors had done along Hadrian's Wall. Larteguy's books extolled the self-sacrifice of commando soldiers who were unappreciated or even reviled at home, but were nonetheless the bulwark between *la patrie* and anarchy.

It was hardly surprising that rootless Paris cosmopolitans, homosexuals, self-serving politicians, and traitorous leftists tended to be the villains in Larteguy's books, and far more so than the revolutionaries whom his commandos were fighting. But even the regular French army did not escape his scorn. "I'd like to have two armies," he once wrote,

> one for display, with lovely guns, tanks, little soldiers, staffs, distinguished and doddering generals and dear little regimental officers, who would be deeply concerned over their general's bowel movements or their colonel's piles; an army that would be shown for a modest fee on every fairground in the country. [But] the other would be the real one, composed entirely of young enthusiasts in camouflage uniforms, who would not be put on display but from whom impossible efforts would be demanded and to whom all sorts of tricks would be taught. That's the army in which I should like to fight.

In the case of Larteguy's heroes, those "tricks," as he called them so disingenuously, included the lavish use of torture. Indeed, one of the principal characters in *The Centurions*, Captain Boisfeuras, was loosely modeled on Brigadier General Pierre Aussarresses, a hero of the French Resistance and a career officer who became one of the leading torturers in what came to be known as the Battle of Algiers, and whose frank defense in his memoirs of the crimes he and his comrades committed caused a scandal in France in 2001. In the case of Robert D. Kaplan, there is no question of any defense of torture. If anything, the elite soldiers whose actions he chronicles in his new book view human rights as what he calls "a tool of counterinsurgency." Still, the book is in large measure an updated if unwitting recapitulation of Larteguy's themes: the nobility and the necessity of the Western imperial vocation; the contrast between the valorous, self-sacrificing, can-do young commandos at empire's edge and the careerist, conventional bureaucrats of the risk-averse regular army; the belief that empire—not just the American one, as Kaplan adamantly describes it, but Rome, Venice, Britain: in sum, all the great European hegemons of the past—"were the most morally enlightened states of their age." But what Larteguy lived as a paratrooper in Indochina, Kaplan experiences as a journalist reporting from almost every part of the world where American forces are active—which, as he himself points out, means a lot of the planet.

Kaplan's many books have won him a wide following within the United States military: *Imperial Grunts* comes festooned with praise from retired senior officers such as Anthony Zinni and Barry McCaffrey, and an acknowledgements section in which the military theorist and pundit, retired Lieutenant-Colonel Ralph Peters, is credited with the idea for the book. One of Kaplan's critics, Thomas P. M. Barnett, a professor

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at the Naval War College, once accused him of accepting without question the views of the Pacific Command about China in an article that Kaplan wrote in *The Atlantic Monthly* about the coming confrontation between the United States and China.

This is not to say that Kaplan's views are uncontroversial. To the contrary, his basic contention—that the heart and soul of the American military is now its expeditionary component, above all the Marine Corps, and its commando component, the Special Operations Command (SOCOM)—is one that many senior officers and military intellectuals within the War Colleges and Service Academies would repudiate. But they would do so at their peril, since, as Kaplan himself notes, Secretary of Defense Donald Rumsfeld's implementation of the Global War on Terrorism has made SOCOM "a war fighting command in more than name only," and, however imperfectly (Kaplan blames this on turf battles within the Department of Defense), "the executive arm for the War on Terrorism." (General Eric Shinseki discovered, in the run-up to the invasion of Iraq in 2003, that speaking before Congress in opposition to Rumsfeld's opinions resulted in forced retirement.)

KAPLAN IS A MAN WITH WHOM Rumsfeld would be hard pressed to find fault. Like Rumsfeld, he has no patience with what he calls "the formalized rigidity" of cold war–era military institutions unsuited for the wars and the counterinsurgency operations of the early twenty-first century. Like Rumsfeld, he believes that military successes during the invasion of Afghanistan in October 2001 demonstrated the viability of "deftly combining high-technology and low-tech unconventional warfare." And, perhaps more enthusiastically even than Rumsfeld, Kaplan sees the tactics being developed in the field by U.S. Special Operations forces as those that America "would employ to manage an unruly world."

Such a sentence only hints at the kind of hero worship to which Kaplan is prey. Major General Sidney Schachnow, a retired Special Forces senior officer, puts him in mind (shades of Larteguy again) of the Roman centurion Ligustinus, who was "rewarded for bravery thirty-four times." In Iraq, he travels into combat with a Marine unit and marvels at their "unpretentious willingness to die," which he attributes to "their working class origins." There is a good deal of right-wing, blog-style bashing of alleged liberal elites in *Imperial Grunts*, as well as cheap asides contrasting the selfless faith and patriotism of the soldiers, who "saw themselves as belonging to one country and one society only: that of the United States," with the egomania of America's "global cosmopolitans." For him, the American military not only fights America's wars, it has also become "the guardian" of America's working-class values and traditions. These are the people "who hunted, drove pickups, employed profanities as a matter of dialect, and yet had a literal, demonstrable belief in the Almighty." They inhabit "a world of beer, cigarettes, instant coffee, and chewing tobaccos, like Copenhagen and Red Man."

WHEN THE SOLDIERS HE meets do not remind him of Roman legionnaires, Kaplan is apt to compare them to Lewis and Clark or other early heroes of America's push westward, or else to what he calls "the gleaming officer corps of the Confederacy, without which the nation would not have been able to fight its later wars quite as well as it had." I wonder what the African American officers of today's U.S. military would make of that. The abdication of critical faculties implicit in such a historical comparison is startling in a writer as historically minded as Kaplan. The "gleaming" tradition to which he alludes helped to keep the military segregated until 1949, while its integration was a first step in the desegregation of the South. Indeed, the rise of a new American military that is probably the most intelligent, creative, and successful institution with regard to race relations in the United States represents a victory for the military tradition that looks back to the 54th Massachusetts and the Tuskeegee Airmen, not to Nathan Bedford Forrest's terrorism or to Stonewall Jackson sucking on his lemons at the First Battle of Manassas.

But this is not the most significant of Kaplan's many analogies between the American armed forces of today and its predecessors. The one that is most central to his argument views today's soldiers' fight against Islamists and terrorists as something very close to the Indian-fighting army of the nineteenth-century American West. Those wars too, Kaplan argues, were imperial in nature, and he refers without any further elaboration to "the new American empire west of the Mississippi River." His travels seem to have hardened him in this view: "As I traveled from continent to continent with the American military in the first years of the twenty-first century, my most recurring image would be the one that Remington himself might have painted: singular individuals fronting dangerous and stupendous landscapes."

THIS IS BREATHTAKING. HERE is a serious writer in 2005 admiring the Indian wars, which in their brutality brought about the end of an entire American civilization. But then Kaplan goes to some lengths to describe the peoples who lived in North America when white settlers began to arrive as virtually without any civilization worthy of the name. "The North American Indians," he writes, "were a throwback to the nomadic horse peoples of the Eurasian steppe ... They [also] invited comparison with another imperial nemesis: the nineteenth century Pushtuns and Afridis of the Northwest Frontier of British India." And he concludes: "Beyond the Mississippi or Missouri rivers, the American military found a Hobbesian world in which internecine ethnic warfare, motivated by competition for territory and resources, was the primary fact of life."

The primary fact of life? Whatever else one can say about American Indian life in the nineteenth century, the primary fact was the arrival of the white settlers and the military forces that accompanied them, who drove the native peoples off their land, massacred tens if not hundreds of thousands of them, and deported the others to reservations far from arable land or the plains on which they had hunted. Kaplan may claim that a figure such as Remington—whom he admires as the American Kipling—stood for America's "righteous responsibility to advance the boundaries of free society and good government into zones of sheer chaos, a mission not unlike that of post-cold war humanitarian interventions," but the assertion is obscene. I doubt very much that many Indians would share Kaplan's enthusiasm for "Remington's mythic universe [in which] those early imperialists, the cavalry officers and the pathfinders, appropriated the warrior ideal of their Indian enemy, which was marked by bravery and steadfastness."

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Kaplan has been watching too many John Ford movies. Has he never heard of the Trail of Tears? Does he really think that describing Geronimo as having "lived out the last years of his life" at Fort Sill, Oklahoma adequately conveys what took place? Is describing the streets of Fort Leavenworth, Kansas as being named for the various "North American Indian tribes with which the US Army negotiated truces" really a historically licit way of accounting for what took place, or how those truces were made? And what on earth does it mean for Kaplan to claim that the habit that American soldiers now have of referring to their postings in Afghanistan, Iraq, Djibouti, Colombia, or the Philippines as "Indian Country" and, in Kaplan's view, that, like the Indian Wars, the war on terrorism is "really about taming the frontier," should not be understood as a "slight" against Native North Americans?

THE PROBLEM WITH ALL THIS is that Kaplan is influential, and not just within certain segments of the American military and with right-wing bloggers such as talk-show host Hugh Hewitt. Bill Clinton famously, and in the event disastrously, claimed that Kaplan's book *Balkan Ghosts* convinced him that the United States should not intervene in Bosnia. Tom Brokaw, who is certainly a member in good standing of what people such as Hewitt deride as the "Mainstream" or "Legacy" liberal media, has given *Imperial Grunts* a blurb in which he described the book as an account of "the new warrior-diplomats who use weapons, imagination, and personal passion to protect and advance the interests of the United States."

So where to begin? Perhaps by injecting a little historical reality into Kaplan's mythical universe. When historians talk about the British taming the Indian frontier, they mean dominating it politically and militarily, not conquering it outright, and expelling its inhabitants, and settling the land with their own people. Despite several disastrous attempts to conquer Afghanistan over the course of the nineteenth century, the principal strategy of the British along the northwestern frontier of the Raj was to impose a status quo that did not threaten British interests in India proper. If they bowed to that, Pushtuns and the Afridis could do what they liked. But the phrase "taming the frontier" when applied to the American West meant something entirely different. It meant driving the Indians out by any means necessary. It was a murderous, zero-sum game, and not at all, to put it mildly, an ideal for contemporary American policy.

Of course, Kaplan knows this perfectly well. Late in his book, in a consideration of whether enough American troops had been sent to Iraq after the fall of Saddam Hussein, he muses in an aside that "the Sioux and their allies were ultimately vanquished not because the US Army fully adapted to the challenge of an unconventional enemy—it didn't—but because of the flooding of the Old West with settlers, who were, in turn, aided by the railroad." Somehow Kaplan can write this sentence and yet feel no obligation to revise his ludicrous analogy between British imperial policy on the Indian-Afghan frontier and the settlement of the American West.

There are many important things to say about the Indian Wars and the western migration of white settlers in nineteenth-century America, but Kaplan says none of them. Instead we get from him boneheaded nonsense about the Indian Wars being exercises in exporting democracy, order, and good government. There are more respectable ways to make the neo-imperialist argument—one could make the case, as Niall Ferguson, Hugh Thomas, and Deepak Lal have done, that the British Empire did more good than harm for the peoples it subjugated; but it is impossible credibly to make such an argument about the subjugation of the native peoples of North America.

TOO ROMANTIC AND SENTIMENTAL to be called analysis, too ideological to count as reportage, and yet too journalistic to be a straightforward polemic, *Imperial Grunts* is a disorganized and in many ways an incoherent book. Just when Kaplan the reporter is exercising his considerable talents to their best advantage, Kaplan the ideologue interrupts with his doctrine. As a result, there are times when Kaplan's narrative seems like an extended exercise in free association. In one representative passage, Kaplan is on the front line with a Marine unit moving into Fallujah during the first, abortive assault on the city in the spring of 2004, and splendidly describes the "grunts'" slow advance under fire. But then his attention shifts away from the battle and toward geo-strategical speculation and imperial history. Staring at enemy snipers a few hundred meters away in one paragraph, he opines in the next that "the third world urban environment was like the Old West." A few hundred words later, having briefly doubled back to a description of the fighting, then left it again, Kaplan is cantering from his belief that the martial spirit of "the Old Confederacy [still inhabits] the soul of the American military," to comparing the U.S. military's fight in Iraq to the British army's suppression of the Indian Mutiny, to a meditation on the role of the media on the conduct of military operations in the early twenty-first century. Then, after a space break, Kaplan is back to being a reporter again.

The American military deserves better than this kind of hagiography, just as it deserves better than to have to carry out the thankless and even hopeless missions that Kaplan would like to assign it—missions that, if the experience in Iraq proves anything, will fall clumsily short of any Kiplingesque grandeur. In fairness, Kaplan was never especially enthusiastic about the overthrow of Saddam Hussein. "The American empire of the early twenty-first century," he writes, "depended on a tissue of intangibles that was threatened, rather than invigorated, by the naked exercise of power." For Kaplan, the real success story of America's commitment to policing the planet (which he calls the "battle space for the American military") is the work of small units of elite U.S. troops, and sometimes even individual soldiers, controlling the world quietly in countries ranging from Yemen to Mongolia.

IT IS UNCLEAR IF KAPLAN HAS ANY conception of the fact that his account of the role of the American military abroad is chilling, or should be, especially to believers in the fundamental benignity of American power. Kaplan's outlook cannot finally be described as interventionism, or imperialism, or anything larger exercised by moral and strategic objectives; it is just plain old militarism. To take the most obvious example: if it is true, as Kaplan contends, that "even as elites in New York and Washington debated imperialism in grand, historical terms, individual marines, soldiers, airmen, and sailors were interpreting policy on their own, on the ground, in dozens upon dozens of countries every week, oblivi-

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ous to such faraway discussions," then civilian control over the military—one of the most fundamental arrangements separating democratic societies from undemocratic ones—is in grave danger. After all, the role of the American military is to carry out the commands of a civilian national command authority, not to make policy on its own.

Soldiers like to grouse; and some of the commando officers or officers on secondment to various units of the Special Operations Command (though not the Marines) have a weakness for dismissing civilian leadership and, indeed, the leadership of what they (and Kaplan, echoing them) view as the chair-bound bureaucrats of the "Big Army" and "Big Navy." They do not enjoy the tendency of senior leaders in the uniformed services to put limits on their freedom to operate as they see fit. Not long ago some SOCOM soldiers grew their hair and beards and dressed in a combination of U.S. military issue fatigues and local costume during the war in Afghanistan, and seeing this in a magazine, one Army three-star made it his business to see that these men conformed to military regulations. Among SOCOM people in the field, one still sometimes hears complaints about this, and, more broadly, complaints about how, despite the new importance of special operations, a more "by the book" mentality remains dominant in the military.

But they are just that: complaints, grousing, letting off steam, by men whose sworn duty is not just to kill but to die, and risk death every day. They are entitled to their venting. But Kaplan has no such excuse when he promotes their grievances into some romantic Rambo-like non-conformist heroism—when he contrasts "conventional thinkers inside the Pentagon [who were] aghast" at this kind of improvisation with SOCOM commanders and erstwhile commanders whom he dubs "unconventional warriors," and portrays as just the kind of freethinkers the American empire needs. When he approvingly quotes Major General Schachnow, who answered his question about how the United States could "infiltrate and police the world" with the retort that "you produce a product and let him loose," he is in effect arguing for a relinquishing of civilian control over the military, since what Schachnow meant by "product," or at least what Kaplan takes him to mean, is not just "smiling" and "understanding" when SOCOM people shed their uniforms and grow Afghan-style beards, but rather letting these elite warriors loose and giving them the latitude to advance their country's interest pretty much as they see fit.

But this is precisely the authority that the American republic, as a constitutional matter, has not granted to its military. To be sure, there are many criticisms that may be made of the American military, operationally and doctrinally; but the cowboy culture of Rumsfeld's Pentagon, and of members of the SOCOM establishment who are on his staff or whom he has favored to a degree unheard of in the practice of any previous secretary of defense, must not be allowed to hide behind the spirit of criticism. It has something else in mind. Off the record at least, many officers express considerable anxiety over the SOCOM-izing of the military on Rumsfeld's watch. They point to the fact that General Peter Schoomaker, the current Army Chief of Staff (Rumsfeld brought him out of retirement to replace Shinseki), was one of the originators of Delta Force, the elite commando unit in which Lieutenant General William "Jerry" Boykin—the man who once said that he knew he would successfully hunt down a Somali warlord because "my God is bigger than his God"—also distinguished himself before becoming the deputy of the current undersecretary of defense for intelligence. There were also numerous, if less well-publicized promotions of SOCOM veterans to flag rank.

When he speaks of a "bureaucratic straightjacket," Kaplan sounds as if he is channeling Rumsfeld and his outside-the-box inanities. When he criticizes the failure of the American military to "power down to the level of small units and expand their activities," he sounds like a spokesman for SOCOM. But when he approvingly quotes an Alabama National Guard Lieutenant Colonel named Marcus Custer who told him that "you can't be effective in the War on Terrorism unless you break the rules of the Big Army," and that maybe in the future American special forces would be "incorporated into a new and reformed CIA rather than into the Big Army," Kaplan, whether he knows it or not, is attacking the heart of what the army of a democratic country is supposed to be. Whatever Kaplan may choose to imagine, or whatever some maverick SOCOM extremists may fantasize, it is the task of the American military to carry out American policy, not to make it.

Kaplan has muddled up the general and the particular in the formulation and the implementation of American foreign policy. He may think he is scoring a telling point when, during his time with U.S. forces in Colombia, he muses that "while policy specialists argued general principles like nation-building in Washington and New York seminars, young middle-level officers were the true agents of the imperium." Leaving aside Kaplan's sneering anti-intellectual tone—he seems to have forgotten that writers are also armchair strategists, and that a good deal of strategic wisdom has been discovered in armchairs—it would be almost impossible for his assertion to be more wrong-headed. If post-Saddam Iraq has proved anything, it is that the United States needed more of those seminars, and that the Department of Defense needed to get off its plinth and make a real attempt to think through the implications of the policy recommendations that State Department and other Iraq and post-conflict specialists offered before the invasion got underway.

As a result, the mid-level officers on the ground in Iraq did not respond well to the looting of Baghdad, nor plan adequately for what would happen if Baathists or terrorists mounted a real insurgency. In no sense was this their fault. Their duties were tactical; those of the senior leaders back home strategic. Again, Kaplan can hardly be unaware of the distinction, and yet he wrote this whole book without ever addressing it seriously. The reality is that though the planning failures in Iraq were the responsibility of senior officials in the Bush administration, and not of the "iron majors" who so impressed Kaplan during his travels, this does not mean the majors should have had the last word. The chain of command as it exists is the only one that a democratic society can possibly accept. The problem was not that there was civilian and bureaucratic control of the military. The problem was that the civilian and bureaucratic control of the military was incompetent.

Kaplan declares that he wished to see American troop deployments from one end of it to the other through the eyes of the soldiers themselves—"from their perspective," as he puts it, "not

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from mine." Are those really the only two perspectives available? Perhaps the explanation for Kaplan's confusions and misunderstandings is that he spent too much time with his beloved grunts. A writer who boasts that he wanted "to cut myself off from civilians as much as possible" may not be in a particularly good position to think through seriously the problem of empire, which is a general question, not a particular one, a subject that may be illuminated by historical and moral analysis, not by reportage, no matter how vivid and valiant. At the end of *Imperial Grunts*, as Kaplan leaves for Kuwait, heading home, a Marine general tells him, "Go home and rest a few weeks in the world of porcelain shitters. Then come back for more." A fine expression of a certain soldierly parochialism; but Kaplan seems to consider the remark elevating and enlightening.

The real question is, for more what? The general probably meant more experience of battle. And Kaplan has gone back. *Imperial Grunts* is only the first in what he promises will be a multi-book treatment of what he calls "imperial maintenance on the ground." But while enjoying those porcelain shitters, he would have profited from asking himself the kind of hard questions about the American empire that are best answered away from the front lines, and making the same commitment to the intellect that he made to the field. Presumably, Kaplan will be true to his word and *Imperial Grunts* will only be the first of his love songs to the American military.

THE PARADOX IS THAT HE HAS written anything but a triumphalist book. The oddest thing about this odd book is its insistence on the transience of the American empire, even as he leaves no stone unturned in his effort to glorify it. "To be an American in the first decade of the twenty-first century was to be present at a grand and fleeting moment," he observes in his first chapter, "Injun Country." It was "a moment that even if it lasted for several more decades would constitute but a flicker among the long march of hegemons that had calmed broad swaths of the globe." He then goes on to enumerate various empires and their lifespans, from the Achaemenids to the British, by way of the Chinese, the Vandals, the Hapsburgs, the Ottomans, and of course the Romans.

But then he teaches that "a liberal empire like America was likely to create the conditions for its own demise, and thus to be particularly short-lived." So this is not Kipling, it is Spengler. Kaplan is tragically wrong-headed even within his own frame of reference. Put the case, debatable as it is, that the United States is an empire in the same sense that Britain, or Portugal, or Spain, or Rome were empires. Further put the case, as Kaplan also does, that this empire will be gone in no more than several decades. Why on earth would any American patriot, "a believer in the essential goodness of American nationalism," as Kaplan puts it, or anyone who just wishes America well, condemn the country to what, on his own account, will be a not-so-long march toward a bleak and broken future? Why not strive, in this case, to create a multi-lateral international order that, taking into account the inevitable rise of new hegemons such as India and China, organizes the international system as favorably as possible toward the interests of the United States?

The Kipling of "The White Man's Burden," whom Kaplan goes to such lengths to defend, was not beseeching the United States to become an imperial power with all the eloquence at his command, while simultaneously holding in his head the vision of the proximate dissolution of that empire. But this seems to be Kaplan's vision, insofar as anything consistent can be extrapolated from his breathless dithyramb to the boots on the ground. Or are we back to Larteguy's lonely centurion, acutely conscious that back in Rome everything is going to hell even as he faithfully carries out his duty on the forward ramparts of the empire—SOCOM in swords and sandals? The good news is that this may describe Kaplan more accurately than it describes his grunts. He reports that "the grunts I met saw themselves as American nationalists, even if the role they performed was imperial." He does not explain the distinction, but it seems to be a sign at least of good sense in these American soldiers. So there is hope for the Republic yet. ■

Christine Stansell
Sister Act

THE PEABODY SISTERS: THREE WOMEN WHO IGNITED AMERICAN ROMANTICISM
By Megan Marshall
(Houghton Mifflin, 602 pp., $28)

"I AM DETERMINED ON DISTINCTION," the teenaged Margaret Fuller vowed in 1825, as she made her first forays into Boston society. Elizabeth and Sophia Peabody, whom Fuller would soon meet, came of age in the same place and time with similar convictions. They were slightly older than Fuller, and much poorer, but they were determined to cultivate "genius." For the first time in the Republic's history, such hopes in a woman seemed dreamy, not mad. When he traveled through the country six years later, Tocqueville thought that democracy gave girls a temporary reprieve from their fate as wives, essentially bound to the rules of a cloister.

Along with their sister Mary, the Peabodys were the first female recruits to Boston's second revolution, the "more interior revolution" of Transcendentalist thought and radical social reform in the 1830s. A rising generation of men "born with knives in their brains," as Emerson described himself and his peers, pitted untrammeled spirit against religious orthodoxy and opposed the democratic seer's wisdom to the minister's doctrine. Inspired by European romanticism, they described an unfettered mind—self-reliant, self-expressive—capable of aligning itself with a capacity for wonder and the sense of wholeness that authentic religion promoted. The city's golden age enveloped gifted outsiders of many kinds—abolitionists (William Lloyd Garrison), utopians (Bronson Alcott), and artists (Nathaniel Hawthorne). Elizabeth was a Transcendentalist intellectual and Sophia a serious painter, while Mary wanted only to marry. But although they

Christine Stansell, professor of history at Princeton, is writing a history of feminism.

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were very different, each transposed the proffers of vibrant, high-minded Boston into a vision of a grander life than women normally expected. Megan Marshall's fine book is about how they tried and came up short.

The sisters' background was unhappily modest. Their mother, Eliza Palmer Peabody, came from a once-wealthy Massachusetts family that was ruined by the American Revolution. The paternal grandfather, a distinguished patriot, was tapped to command a major military expedition but disastrously botched his first battle. Afterward, he and his son (who served under him) were scapegoated for the mess. Like many of the Massachusetts gentry, he was deeply in debt. Neither man ever recovered honor or credit.

We think of patriot leaders as coming out of the Revolution intact, flushed with success and bound for distinction. But Eliza Peabody grew up with patriarchal failure and depression. Sexual predation exacerbated the general male collapse. Illegitimate births, incest, and adultery shadowed the household: a welter of shameful secrets involving Eliza's credulous mother and sisters, a wealthy cad who could have stepped from the pages of Richardson's *Pamela*, and a clueless father. Eliza was determined to find a way out of poverty and shameful dependency by setting herself up in a "trade," which was no easy matter for a woman in the early nineteenth century. There were three options for work: a ladies' companion, a governess, or a teacher. In the years after she left home, Eliza combined them with enough success to make herself vaguely independent. She dreamed of marriage to a vigorous Christian helpmate who would redeem her early experience of men's failings.

Nathaniel Peabody, whom she married in 1800, was an unfortunate choice; and his three daughters grew into adulthood with a strong desire not to make a similar mistake. The oldest son of a backwoods New Hampshire farm family, he was, when Eliza met him, a Dartmouth graduate with a promising future. But a constitutional timidity cursed him, a fatal mixture of bull-headed determination and excess of caution. He was no match for his bride, already a published poet of Christian verse, and he proved no match for life. Having trained as a doctor—a sketchy, cutthroat vocation at a time when medical education had yet to be formalized—he set up an office in Salem in 1808, just as the congressional embargo on foreign trade threw the port into depression. His bad luck never lifted. The medical practice fizzled; he turned to the last-ditch option of dentistry; and muddled along by depending on his wife's earnings and, later, his children's.

ELIZA PLOUGHED HER FRUSTRATIONS into raising her three girls. Elizabeth was born in 1804, Mary in 1806, and Sophia in 1809. There were sons, too, but they were ancillary to her highest hopes. She framed the daughters' lives from the very beginning as ventures in fortitude and independence. The first step was to give them a serious education, an exceedingly rare opportunity in a society where girls' education was still rudimentary. The high female illiteracy rate (much higher than men's) only began to dissolve after 1800; and white women born after the century's turn would be the first on the continent to reach near-universal literacy. Even so, the finest female academies aimed only to polish off students with a little French and music for parlor entertaining. The universities were entirely closed to women.

Mrs. Peabody's pedagogy was in line with that of a few Enlightenment-minded gentlemen who were trying something different with their daughters, inspired by the rationalist argument—first advanced by Mary Wollstonecraft in 1792—that the mind had no sex. Timothy Fuller, for instance, taught Latin to small Margaret almost as soon as she could talk. Mrs. Peabody, working with far more limited means than the well-to-do Fuller, gave her daughters a steady, strenuous education.

Elizabeth, the oldest, was the first to flower in the Boston hothouse. Intensely religious, she was caught up in the excitement around the charismatic minister William Ellery Channing, with his liberal teachings about the personhood of Christ and humanity's freedom from original sin. At twelve, Elizabeth taught herself Hebrew in order to read the Bible in the original: despite her orthodox mother's abhorrence for the new doctrines, she insisted she would "find out the *truth*." Her deliberations led her to the circle around Channing himself, where she became a favorite acolyte, commuting from Salem to Boston to the great man's study, where she borrowed books and discussed the same course of reading he assigned his divinity students.

By the time she was seventeen and teaching in her first school, she already had the refined mental appetites of a star university student to reconcile with the limited fare doled out to a schoolteacher. In the country towns where she taught, the problem took shape that would burden the rest of her life: "struggling to manage her own outsized intellect" in a place and time that accorded little space for women's brains. A more fanciful woman might have turned her love of books into writing novels, a vocation which was just cracking open to female writers. But Elizabeth's passions were philosophy and metaphysics—"male" subjects—not art, poetry, or fiction.

There were no models for female intellectuals. Mary Wollstonecraft, Catharine Macaulay, and Mercy Otis Warren were dead. The only available female exemplar was the French eminence Madame de Staël, and she was too distant and aristocratic to be much use to a down-at-the-heels schoolteacher. So anticipating by several years Emerson's precepts of self-reliance, Elizabeth turned herself into a university of one, creating her own courses and finding the teachers, turning the men's studies into her lending libraries.

In 1822, she studied Greek with a young tutor from Harvard, Ralph Waldo Emerson; they became fast friends. In the late 1820s she renewed her attachment to Channing and copied his sermons for publication, making herself not so much his amanuensis as interlocutor and editor. She tried novel techniques of teaching and learning in her classrooms and, in 1834, joined Bronson Alcott at his experimental (and eventually scandalous) Temple School in Boston, where the pedagogy turned on Transcendentalist principles. As she grounded herself in philosophy, theology, and languages, she changed from an eager autodidact to an accomplished and prolific writer, translator and, eventually, an explicator of Transcendentalism to the public.

SHE WANTED TO BE A PROTAGONIST, not a disciple; but her friends and teachers made it clear, at critical junctures, that her place was as a supplicant and a seeker. Channing, usually tender and encouraging, cautioned her against an unfeminine love of recognition: "devote your powers to the service of your fellow creatures, and not use them to make yourself distinguished." Emerson was certain that ge-

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nius "dangerously narrows the career of a woman." Marshall notes the insidious effects on Elizabeth's writing, which seldom achieved the ease of her letters and journals; she knotted herself up in abstractions, learned references, and difficult syntax, as if to prove her worth to a committee of men who were peering over her shoulder (Virginia Woolf's famous image of the plight of the woman writer). She found a way through the force field of buried antagonism by deflecting her own longings into their careers. If she could not be a person of genius, she could nonetheless nurture genius.

Yet she was too disciplined and serious to fade into the background. Being an outlier, she had to improvise. She had long been dismayed by how the most learned women in Boston fell silent when the men talked. Beginning in 1830, she held "reading parties" and "conversations" to teach women to speak their own minds. In 1840, fed up with teaching, she established a bookshop, soon to become legendary, which sold and lent books, attracted the best minds in the region, published Transcendental writing, and imported the latest work from Europe: a considerable achievement that consolidated and made visible the city's new intellectual riches.

Lacking cultural capital and always self-supporting once she left home, Elizabeth was a striver infected with the "go-ahead" spirit of the times. "Young men come down from the back woods ... [to] fill our first rank of society," she rhapsodized about the American scene in 1829 in a letter to Wordsworth (a fan letter turned him briefly into a correspondent); and she would keep up with the best of them. In a family of male "losers"—great-grandfather, grandfather, father, and feckless brothers failed at one scheme after another—she would make something of herself: "that favorite of fortune—our Liz," the family called her.

Some young men who were her friends in the shabby boarding houses they shared would become Harvard professors and she would always be a schoolteacher. The wealthy, accomplished daughters of the Cambridge intelligentsia, friends such as Sophia Dana, could look forward to marrying Harvard luminaries and reigning over well-appointed *salons*. Elizabeth was not oblivious to the differences that breeding, money, and sex made. "I never performed the promise of my childhood," she wrote in one pained interlude. She had been "thrown too early" into earning a living; had looked too much to men for "assurances"; seen her own ideas swept away in their writings. But go ahead she would: to another rented room and school, another article or translation, another idea or friendship into which she poured her exceedingly busy spirit.

As Elizabeth launched herself in the 1820s, Sophia was turning into a tireless invalid, a pain-wracked and paradoxically vivid presence to be tended. Assaulted by terrible headaches—Marshall judges them to have been migraines—Sophia took to her bed for long intervals, reigning from the sickroom as the treasured child. Invalidism was a socially sanctioned role for middle-class women, and Sophia's retreats wore a familiar groove in the family moral economy. Pain was an instructor in character—her mother thought it had made her all the lovelier and more noble—and it emulated Christ's martyrdom.

The stance, which developed over time, was costly. As a child Sophia was the most spirited and rebellious of the girls, despite her bad health. The headaches worsened as she struggled to find a place in the world for herself as a painter, an almost inconceivable possibility for a woman. No professional would ever train her. Even if she could have found nude images in straitlaced Boston, she could not have sketched from them; the day when female artists in Europe or America could sit in life drawing classes was more than fifty years away. She would never have the money to travel to Italy or the Alps to see the scenery that set the conventions of landscape painting.

So Sophia made a small reputation on the border between gifted amateurs and professionals. She cultivated established artists as patrons and well-wishers and took friends' commissions to "copy" works, usually etchings or engravings of renowned European paintings. She also sketched from nature and, in bursts of imagination between headaches, painted imaginary romantic landscapes. A few of these were shown at the Boston Athenaeum when it opened as the city's first art gallery. But so severe were the limitations that, after several years of slender repute, her happiest experience of a public was the warm reception given miniatures she painted on ladies' baskets sold at a charity auction.

Sophia could not help but understand that she could never be a distinguished painter. Marshall argues that sickness was a way to channel the disappointment and fend off the defeats her sister endured. She would not subject herself to the humiliation of expressing frank ambition only to see it driven back and punished. Her invalid state allowed her to maintain the scanty but trustworthy satisfactions of being ever the girl of promise. She darted out into the world of accomplishments, snatched accolades, and then fell back into the sickroom. She was, in other words, the very opposite of her go-ahead sister—a holding-back kind of girl, who learned to parcel out her gestures toward the world as precious rarities.

Mary was the one commandeered into self-abnegation, the middle child assigned to be helpmate of more insistently needy family members. Mary followed Elizabeth into teaching, assisting her in various school ventures and going out on her own as well to aid the family finances. She was not a writer, theologian, or artist in the Boston manner, but she was a serious reader, especially of fiction, and in her own manner—less spectacular than her

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sisters—she harbored impulses of social reform to which the others were tone deaf. In 1833, when Sophia went to Cuba for an extended rest cure with a physician there, Mary went along to pay for the stay by working as his children's governess. Sophia blossomed and enjoyed herself enormously, her headaches banished. While she roamed the huge plantation on horseback and foot to sketch, oblivious to the slaves, Mary toiled in the schoolroom and brooded over the misery that surrounded them.

An inveterate reader of novels, Mary wanted to inhabit her own plot, but lacking her own creative drive, she could not invent a viable story line. So all the worse that she had to cope so much with Elizabeth, whose brilliant saga did not flag. Even in repose, Elizabeth was dramatic, and watching her was discouraging and irritating. "She sits with a ream of paper at her elbow," Mary wrote in 1826 when they were living and teaching together, and "looks for all the world as if she was going to write up all the thoughts there are about, and leave nothing for her contemporaries or posterity to do." She burned with embarrassment—and jealousy, one presumes—as Elizabeth, ever the center of attention, shanghaied conversations and, in the manner of any voluble talker, fudged the details to make her stories more vivid.

MARSHALL'S PORTRAIT OF the sisters' emotional history seriously complicates any tendencies to imagine a nineteenth-century "woman's sphere" as a domain of mutual support, kindly socializing, and resistance to patriarchy. The Peabodys depended on and encouraged one another, but they also undermined and attacked one another. Their relations with other women, as Marshall portrays them, were circumstantial and dispensable. Mary and Elizabeth, in particular, suffered meanness and snobbery from the female relatives and patrons with whom they often lived to save money. Elizabeth constantly fell afoul of female gossip for her open platonic intimacies with men.

Class Action

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Actually, what is remarkable about the Peabody sisters is how closely the women's stories were bound up with men's. Each of the sisters, in her own way, hoped to escape woman's fate by linking her fortunes to an enlightened, liberal man. Elizabeth had her teachers and interlocutors. Sophia, unsuccessful in finding mentors among artists, dreamed of marrying a creative spirit who would support her while she painted. And Mary, the novel reader, yearned for a husband of passion and noble aims, a Romantic reformer, to sweep her into his story and make her a heroine.

Qualified candidates seldom appeared, so there was rivalry for the obvious choices. Elizabeth and Mary rejected run-of-the-mill suitors, each holding out for years for a soul's companion. It was romantic triangles that magnetized their desires. Elizabeth vied first with Mary for Horace Mann, the Whig educational reformer. Later she struggled with Sophia over Nathaniel Hawthorne, to whom Elizabeth was engaged; he and Sophia ended up marrying.

THE CONTEST FOR MANN TOOK up years. Mary and Elizabeth first met him in 1833 in a Boston boarding house, when he was another young man who had come from the back woods, dirt poor and in deep mourning over his young wife's death from tuberculosis. Now we would probably say that Mann suffered from depression; but in those days debilitating grief was the one permissible male form of invalidism. The mourner could not retreat to the sickroom—that was for women—but he could absent himself from normal human intercourse. Mann, a truly annoying character, held fast to tragedy for years, using Elizabeth and Mary alternately as his comforters. His melancholy was so histrionic that in some sense it neutered him, and made it possible especially for Elizabeth to stretch the bonds of permissible behavior with a single man. The two were fond of tête-à-têtes alone in the boarding house parlor. Once Mary found them on a sofa, Mann's head in Elizabeth's lap, Elizabeth stroking his hair.

Mann, whose grief did not slow down his reform career one jot, finally came round to marrying Mary ten years later, reluctantly giving up his conviction that he would never "pass thro' the human again." Elizabeth had grown bored and dropped out of the competition earlier, when Hawthorne, the as-yet undiscovered genius of American letters, entered her life in 1837, appearing unannounced one day to visit, stunningly good-looking and enticingly shy. They were the same age, but temperamental opposites. Hawthorne had invested much in reclusiveness, years holed up in his family home in Salem writing little-noticed stories. He was drawn to Elizabeth's energy, connections, and worldliness. Elizabeth fell in love with the handsome man, his enchanting stories, and his eccentric family mythology. Over time, they reached a private understanding that they would marry.

Sophia was upstairs, bedridden with a renewed attack of migraines and interestingly remote to the man who visited for months but never saw her. At some point in the spring, she appeared, floating down to the parlor in "a simple white wrapper" to meet the suitor. Soon she was coming downstairs regularly, even when Elizabeth was absent, activating an excruciating rivalry played out on the tiny stage of the house—Sophia was still too ill to go out—and inflamed by Hawthorne's evasion of any frank accounting to Elizabeth. He apparently never explicitly withdrew from their "understanding," but simply transferred his intentions to Sophia. They married in 1842.

THE BOOK STOPS HERE, BEFORE middle-aged decline set in: cultural demotion for Elizabeth, a fizzling marital story for Mary, family tragedy for Sophia. Marshall wants us to see the trio as extraordinary, but the outlines of the story are quite familiar, known from many biographies of other intellectual and artistic women born before 1900: gifts that dwindled for lack of use, promise that petered out, marriages that could not support the hopes that the women invested in them. Sophia and Mary zealously embraced their hard-won domestic positions as mothers and distinguished men's wives. Sophia, the more ambitious of those two, subsumed her own aspirations in Nathaniel's career with ideological fervor and enfolded her children into a claustrophic family scenario that left them badly damaged. Neither marriage was happy. Elizabeth, on the other hand, did remain a vigorous public figure, respected although never revered. Her bookshop failed, Transcendental Boston dispersed, and she returned to teaching.

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But her later life was absorbing: she became a champion of kindergartens, a reform import from Germany. She was given a long, active, and useful life, although it was not the one she hoped for when she devoured philosophy at the age of thirteen.

In Marshall's account, the men with knives in their brains look more like muggers than surgeons. The facts of their unhappy relations with women are known from other biographies, intellectual histories, and literary criticism; but Marshall combines three women's stories, and so a commonality emerges that has not been so stark when the discussions focus on individual figures. The pattern is this: repeatedly, the Peabody's friends, patrons, and lovers tendered the offer of sexual equality, only to snatch it back when the woman sought to make good on the offer. You can say that they were only falling back on cultural conventions—that in matters pertaining to women they could not stay on the edge of change. Or you can wonder if the men with knives liked to cut the women down to size.

Marshall makes no such judgments, though she does provide the material that provokes the question. She wants to draw back from conclusions that cloud her generally sunny assessment of 1820s and 1830s Boston as a place where "women moved freely in intellectual circles" and "freethinking men and women alike had little use for bastions of male privilege." She shrewdly structures the material and lets readers draw their own conclusions about the emotional complexities that thrived among people living at the edge of cultural possibility. In that sense she encourages our generosity, and our own readerly self-reliance. Skillfully paced and richly observed, *The Peabody Sisters* is a fascinating, sprawling story that its author commands with finesse. But the material is so extraordinary, and at its far reaches so grim, that sometimes one longs for a more powerful feminist discernment, something on the order of what Hermione Lee offers in her biography of Virginia Woolf and Charles Capper provides in his book on Margaret Fuller.

Marshall wants the Peabody sisters to be more than minor characters, but unlike Fuller, who became Elizabeth's friend, that was, alas, their destiny. What makes this book compelling is that at times they, and those around them, believed that something different and wonderful was in store. If you look at Transcendentalist Boston in terms of what came before, the evaluation is more convincing: the Peabodys had aunts, after all, who could not read. In the end, however, the opening into the "center of all things"—the place that Elizabeth felt she occupied when she conversed with Emerson—seems evanescent, chiefly because the experiment with women was of little account to the men involved. Education, income, position, confidence, colossal self-esteem made the major characters a privileged caste even as they fulminated on democracy. When Margaret Fuller, who knew the scene well, wrote her first feminist essay on the position of contemporary women, an image of antagonism, not affinity, came to mind. The title that she gave to her essays in *The Dial* was "The Great Lawsuit. Man vs. Men and Woman vs. Women." ■

John Banville
She's Back

SLOW MAN
by J. M. Coetzee
(Viking, 265 pp., $24.95)

IN THE MIDDLE OF J. M. COETZEE's new novel, there comes a moment when the reader starts back in soft amazement, murmuring "What the . . . ?" This moment occurs at the entrance into the action by the elderly Australian writer Elizabeth Costello, whom devotees of Coetzee will know from his previous novel, which was named after her, and from a curious and curiously memorable book, *The Lives of Animals*, based on the Tanner Lectures that he delivered some years ago at Princeton University. Coetzee's contribution to that book consisted in two brief fictions, which revolved around a pair of lectures, set in fictional frames, supposedly given by Elizabeth Costello at Appleton College in New England, an academic occasion that Amy Gutmann, a certifiably real person and then the director of the University Center for Human Values at Princeton, noted in her introduction to the book was "disconcertingly like the Tanner Lectures." So far, so mystifying.

The message that Elizabeth Costello brought to Princeton was that in our treatment of animals we are as bad as the monsters who conceived and put into effect the Holocaust. Costello's, or Coetzee's, lectures were followed in the book by a series of responses from four distinguished academics. Later they were incorporated into the novel *Elizabeth Costello*, which was in its way as strange a performance as *The Lives of Animals*, and, though certainly fiction, hardly qualified as a novel. *Slow Man*, many readers will no doubt be relieved to hear, is a return to a more conventional form: it is unambiguously a novel, with one glaring exception.

John Coetzee, who now lives in Australia, was born in Cape Town in 1940, and spent some years in the United States working as an academic computer scientist and linguistic scholar. As a novelist he is a remarkable phenomenon: an austere and uncompromising intellectual whose books are international bestsellers. He has received pretty well every significant literary award it is possible to win. His success is an encouragement for those writers who persist, despite these hard times, in the conviction that the novel is still a serious art form, capable of delineating not only the inner landscape of an individual consciousness but also of reflecting something of the human condition in general.

THE "SLOW MAN" OF THE TITLE is Paul Rayment, a retired Franco-Australian photographer living in Adelaide. He is in his sixties, a childless divorcée with no living relatives, few friends and, it would seem, no acquaintances. Rayment was born in France—Coetzee has him mention, rather portentously, that in French his name rhymes with *vraiment*—and spent his early years in Lourdes, of all places, before emigrating to Australia with his mother and his despised Dutch

John Banville's new novel, THE SEA, *will be published next spring.*

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stepfather. This complicated background seems irrelevant to the book's main plot, but the mention of Lourdes is slyly ironical, in light of what is to come, and brings to mind Zola's observation that on the road from Lourdes he saw many discarded crutches but not a single wooden leg.

Rayment is set up for us almost as a caricature of the man without qualities. He is cold, affectless, mean-spirited:

> All in all, not a man of passion. He is not sure he has ever liked passion, or approved of it. Passion: foreign territory; a comical but unavoidable affliction like mumps, that one hopes to undergo while still young, in one of its milder, less ruinous varieties, so as not to catch it more seriously later on. Dogs in the grip of passion coupling, hapless grins on their faces, their tongues hanging out.

It does not take great powers of prophecy on the reader's part to guess that Rayment is in for a fall, and so it proves.

RIDING ON HIS BICYCLE through the city one day, he is struck by a car driven by a heedless young man—"Wayne something-or-other, Bright or Blight"—and wakes up in the hospital to be told that, among his other injuries, his right knee is shattered. In a morphine haze he is addressed by the young doctor who will operate on him, seeking his consent to do whatever it may prove necessary to be done; and when he comes round from the anaesthetic, he discovers that his leg has been amputated above the knee. His first response is unreasoning rage: "*Why did you not ask me first?* he wants to say; but if he utters the words he will lose control, he will start shouting."

It is assumed that Rayment will want a prosthesis, but he refuses even to consider such a thing. "Not in all his days has he seen a naked prosthesis. The picture that comes to mind is of a wooden shaft with a barb at its head like a harpoon and rubber suckers on its three little feet. It is out of Surrealism. It is out of Dali." Instead, he will return to live in his apartment on well-to-do Coniston Terrace and learn to manage as best he can with crutches and a Zimmer frame. The latter piece of medical hardware affords a rare moment of fanciful invention—Coetzee's novels are not noted for broad humor,

Some Children Said They Were Attackers

Some children said they were attackers
when they went around the table saying
their names and where they had come from.
One child's mouth was a mirror
inside my hand, and another's
face was the landscape outside, wild and green
and wet. They drew their houses
and spoke of how their mothers' hair
looked from behind, and grew
like plants tricking the eye into thinking
they are still. I looked out the window
and thought about my own mother.
When the children dreamt their hair
was on fire, we spent the morning building
wire helmets for their heads.

ERICA EHRENBERG

[redacted]

but the paragraph conjuring up the imaginary physician "Johann August Zimmer, son of Austrian peasants" who "has the brainwave of adapting for the more frail among his patients the apparatus that back in Carinthia has for centuries been used to teach children to walk," may provoke a hearty smile in the reader.

Rayment is tended by a series of day-nurses: Sheena, who pauses while giving him a sponge bath and puts on a baby voice to address him in the third person and say, "Now if he wants Sheena to wash his willie he must ask very nicely"; and then, more momentously, Marijana Jokić,

> A sallow-faced woman who, if not quite middle-aged, exhibits a thickening about the waist that is quite matronly. She wears a sky-blue uniform that he finds a relief after all the whiteness, with patches of dampness under the arms; she speaks a rapid, approximate Australian English with Slavic liquids and an uncertain command of *a* and *the*, coloured by slang she must pick up from her children, who must pick it up from their classmates. It is a variety of language he is not familiar with; he rather likes it.

In fact, he rapidly comes to like everything about Marijana, and in his physically and emotionally maimed state, he soon finds himself helplessly in love with her.

Marijana is one of the most rounded characters, literally and figuratively, that Coetzee has ever invented, with her shapely calves and furtive cigarettes and hilarious and wholly endearing English. At the outset she cannot understand why he refuses a *prosthese*—pronounced as if it were a German word—and inquires sardonically if he thinks his leg will grow again.

> "Like baby. Baby think, you cut it off, it grow again. Know what I mean? But you are not baby, Mr Rayment. So why don't you want this *prosthese*? Maybe you shy like a girl, eh? Maybe you think, you walk in street, everybody look at you. That Mr Rayment, he got only one leg! Isn't true. Isn't true. Nobody look at you."

Marijana—who, somewhat implausibly, was a picture restorer in her native Croatia—has a husband, Miroslav, a mechanic, and three children, two of whom are giving her trouble: the boy Drago is decent but wild and drives his motorbike too fast, and Blanka, the elder of two daughters, shoplifts. Rayment seeks ineptly to woo Marijana by involving himself in the family's affairs, offering to pay for Drago to go to an exclusive boarding school and buying off the manager of the shop where Blanka has been stealing. Marijana is cautious, yet unwilling to spurn this poor one-legged goose who has so unexpectedly begun to lay so many golden eggs. At last, in his awkward, roundabout way, Rayment confesses his love. And at that moment....

AT THAT MOMENT THE READER finds his eyebrows, as Nabokov would say, traveling all the way round to the back of his bald head. For suddenly there comes tramping onto the scene what is surely the oddest alter ego a male author ever invented for himself: Elizabeth Costello herself, "a woman in her sixties ... the later rather than the earlier sixties, wearing a floral silk dress cut low behind to reveal unattractively freckled, somewhat fleshy shoulders." Uninvited and unexplained, she rings Rayment's doorbell, strides into his life, and proceeds to roost there. Although he does not know her except, vaguely, by her reputation as a writer, she knows alarmingly much

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about him. For instance, she can recite the opening sentences of *Slow Man*, word for word. And having done so, she says wearily:

> Do you know what I asked myself when I heard those words for the first time, Mr Rayment? I asked myself, Why do I need this man? Why not let him be, coasting along peacefully on his bicycle, oblivious of Wayne Bright or Blight, let us call him Blight, roaring up from behind to blight his life and land him first in hospital and then back in this flat with its inconvenient stairs? Who is Paul Rayment to me?

It is a daring novelist indeed who would introduce himself as a character in his own novel. Coetzee indulges in mordant self-mockery by bringing himself into the book in the shape of a dowdy, aging Australian female who takes over and directs the plot. Amazingly, he gets away with what in any other contemporary novel would be jeered at as a tired and pretentious piece of postmodernist trickiness.

Why did he risk it? The story of Paul Rayment and his getting of wisdom is pellucidly clear and straightforward, and could have been told perfectly well without the intervention of the tiresome Elizabeth Costello. But Coetzee is interested in more than a mere story. The lesson Costello has come to teach Rayment, who is her own creation, is that the imagination is the most powerful force a human being has at his command—that it is the very life-force itself. One day when he "finds her by the riverside, sitting on a bench, clustered around by ducks that she seems to be feeding," he issues a challenge: are you sure, he asks her, "that you are not seeing complications where they do not exist, for the sake of those dreary stories you write?" In the midst of a long reply, in which she urges him to let his imagination expand to the full—"Your thoughts and your feelings. Follow them through"—she half-quotes a line of Wallace Stevens's, and goes on to extoll what Stevens liked to call the "mighty imagination." Quoting her—that is, Coetzee's—book again, she says:

> He finds her by the riverside, sitting on a bench, clustered around by ducks that she seems to be feeding—it may be simple, as an account, its simplicity may even beguile one, but it is not good enough. It does not bring me to life. Bringing me to life may not be important to you, but it has the drawback of not bringing you to life either. Or the ducks, for that matter, if you prefer not to have me at the centre of the picture. Bring these humble ducks to life and they will bring you to life, I promise. Bring Marijana to life, if it must be Marijana, and she will bring you to life. It's as elementary as that.

The lesson she is trying to teach him is as simple as the one that Lambert Strether sought to teach Little Bilham in that famous scene in *The Ambassadors*: "Live all you can; It's a mistake not to."

But the mode in which the lesson is couched is anything but elementary. "What does it matter who speaks?" one of Beckett's narrators famously demanded; but in this key exchange between Elizabeth Costello and her creature, it matters very much who is speaking, and who is being spoken to. *Slow Man* is written in the third person, so when Costello gently deplores the "simplicity" of the narrative, it is not Rayment's simplicity she is speaking of but her own, or, more accurately, that of J. M. Coetzee. Who is it, then, that is being urged to "bring me to life"? If Coetzee has not simply fallen into confusion here, he is inevitably criticizing himself and his book for a failure to imagine its characters strongly enough to make them seem living people—not to speak of those ducks.

What saves *Slow Man* from being a sterile, self-referential literary exercise is the vividness of the characters who animate it. Coetzee writes in a degree-zero style, purposely flat and unemphatic—he must be a translator's dream—yet in this book he has found a new access of warmth and humor, and displays a vivifying fondness for his characters. It is his triumph in *Slow Man* to bring a world into being with a minimum of literary effects. Rare will be the reader who will quickly forget Marijana Jokić or Paul Rayment, but surely it is time for her creator to let the ubiquitous, omniscient, and tedious Elizabeth Costello fade into a graceful retirement. ■

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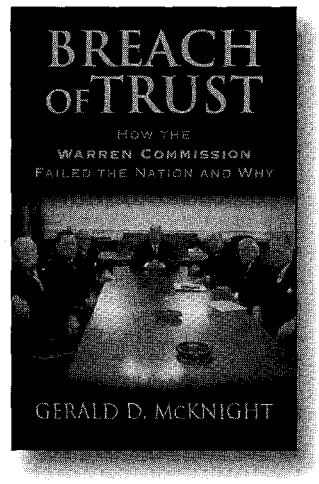
Gerald D. McKnight



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WASHINGTON DIARIST

Sound and Fury

GORGEOUS HE WAS NOT. He stood a few inches over five feet tall. In place of his usual Savile Row suit, he wore a light blazer and dark slacks, and his shirt flared open at the collar. His hair was thinning, his tan fading. But, when he ascended the podium, the audience cheered. It was Saturday night at the First Congregational Church in downtown Washington, and George Galloway—the most celebrated visiting orator in the United States—was about to address the antiwar crowd.

GALLOWAY'S DAY JOB IS REPRESENTING an East London neighborhood in British Parliament for the RESPECT Party. (He was expelled from Labour in 2003 after a decade of criticizing party leadership.) But over the past year, he has found success on these shores. *The New York Times* anointed him a "flamboyant orator and skilled debater." Of a tirade he unleashed on Capitol Hill last spring, CNN's Wolf Blitzer raved, "A blistering attack on U.S. senators rarely heard or seen." More recently, a columnist on *The Nation*'s website lauded Galloway for being "inspiring and succinct." U.S. news outlets have affectionately taken to calling him "Gorgeous George," a nickname in the U.K. that honors his foppish insouciance.

BUT, AT THE ANTIWAR SPEECH, WHEN I saw Galloway—once memorably described as "a Louis Vuitton–toting Socialist"—he had dressed down for his audience, a crowd that was not chic, not even radical chic. It was mostly middle-aged, and its members favored patchouli and hemp over Chanel. Earlier that day, many of them had been among the 100,000 antiwar protesters filling up the wide avenues around the National Mall. Galloway was in the capital to support the rally, as well as to cap off his month-long national antiwar speaking tour. (He had previously promised the faithful "a good workout with Hanoi Jane, formerly Barbarella, the divine Miss Jane Fonda," but, rather mortally, she had to bow out for hip surgery.) For $10, anyone wishing to hear the iniquities of the Imperial West tallied alongside the virtues of Tariq Aziz could have a space in the pews. And, for $13.95 more, they could purchase the orator's new book, *Mr. Galloway Goes to Washington*.

A TICKET GOT YOU MUCH MORE THAN an hour with Galloway. His opening act was a series of brief speeches by stock characters of the antiwar movement—the disillusioned soldier, the bereaved mother, the Arab-American, the socialist litterateur. The crowd received them with polite enthusiasm, but little anticipation. Ever since coalition troops stormed into Baghdad in 2003, what the U.S. antiwar movement has been in search of is a good spokesperson. Galloway is who they found. "He just talks better than any American politician," gushed one woman at the Washington speech.

GALLOWAY DIDN'T DISAPPOINT HIS fans, even if they may have found his stream-of-conscious style confusing. For 45 minutes, in a nimble Scottish brogue, he maneuvered between fiery indictments of Tony Blair and George W. Bush and jolly invocations of his favorite bards—Shakespeare, Wilde, Augustine, Orwell. His greatest hit of the night was repeating a retort he had recently put to radio host Michael Medved (not about Iraq): "Isn't that a little vainglorious?" (The hyperarticulate put-down is a Galloway specialty.) He also teased out many striking historical parallels—comparing Bush to Alexander the Great; the neocons to the Bloomsbury group.

IT WASN'T THE FIRST TIME GALLOWAY had puzzled America with his wit. Last May, he descended vociferously on a hearing of the Senate Permanent Subcommittee on Investigations. The subcommittee, like several newspapers before, had accused him in a report of receiving oil vouchers from Saddam Hussein and then laundering the money through the Mariam Appeal, his charity for Iraqi children. Galloway, in his defense, dismissed the allegation as "the mother of all smokescreens" and Norm Coleman, the Republican subcommittee chair, as "remarkably cavalier with any idea of justice." Besides hyperbole, he also brandished two other rhetorical devices. Avoidance: He dodged questions about a Jordanian business associate accused of illegal dealings in Iraq. And fabrication: He accused ranking Democrat Carl Levin of supporting the war. "Sorry about that," Levin replied flatly, "I didn't."

"SIR, I SALUTE YOUR COURAGE, YOUR strength, your indefatigability." This is perhaps the most famous phrase Galloway has ever uttered, and, over the past decade, he has employed his full range of oratorical powers trying to prove he didn't mean it. The words were addressed to Saddam Hussein during a 1994 visit to Baghdad. Galloway now insists that his admiration was directed at the Iraqi people. *Their* courage, *their* strength, *their* indefatigability. But his protestations hardly seem credible: As his antiwar speech demonstrated, his language is ornate, but his politics are dangerously simple.

IN HER BOOK *ELOQUENCE IN AN Electronic Age*, Kathleen Hall Jamieson speculates that artful political rhetoric began to wane when "[d]ramatically illustrated discursive argument [gave] way to dramatically bodied assertion." And what does Galloway do if not assert? He asserts likenesses (between the Third Reich and the Bush administration). He asserts injustices (largely those committed against himself). He asserts insults (here he is truly an egalitarian). His eloquence is the worst kind the antiwar movement could hope for: It is all presumption and no persuasion.

THE MARQUEE MOMENT OF GALLOWAY'S speaking tour was not his Washington finale but his New York debate with fellow British expatriate Christopher Hitchens. The two men hadn't met since mutually heckling each other at last spring's Senate hearing, and the trash talk leading up to the big night—Galloway called Hitchens a "drink-sodden former Trotskyite popinjay"; Hitchens declared Galloway a "disgusting figure"—was nerdy belligerence at its best. After an hour of sharp parrying, the moderator asked each of the men to respond with a simple yes or no to the question of whether the United States should withdraw from Iraq. "Not only do I..." Galloway began. "Only a word, only a word," the moderator interrupted. For a moment, Galloway was speechless.

KEELIN MCDONELL

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Vioxx's Runaway Jury

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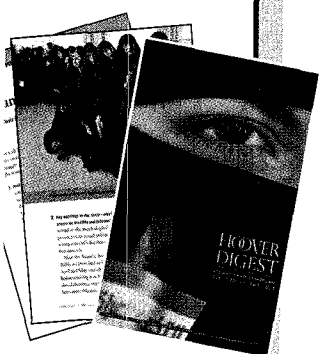

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You'd think that a reputable company has at least the same chance of a fair trial as an accused murderer. But as the recent Angleton, Texas, jury's verdict against Vioxx shows, you'd be wrong.

The horrible effect of this verdict will be that people like you and me, who badly want medicines to help us with pain or even save our lives, will have fewer options. For instance, Merck's new COX-2 inhibitor, Arcoxia, is available only outside the United States.

Consider the flimsy evidence the Texas jury used to find against Vioxx. First, one clinical trial by Merck showed an elevated risk of heart attack in patients who took heavy doses of Vioxx for at least eighteen months. But Robert Ernst died after taking Vioxx for only eight months. Second, the coroner, Dr. Maria Araneta, found that Ernst died of arrhythmia, or irregular heartbeat, not of a heart attack. It's true that Araneta later reversed herself but in a speculative manner. She testified that it may have been an undetected blood clot that caused his death. Not only did the coroner fail to find the smoking gun, but also, to continue the analogy, she failed to find a bullet.

Consider the consequences for us. Many of us would be willing to sign in a heartbeat, so to speak, a contract with reputable drug companies giving up our right to sue in various circumstances in return for the right to buy promising new medicines. But because the courts are so "concerned" for us, they won't enforce such contracts. As a result, reputable companies such as Merck know that courts and juries will second-guess them and impose heavy penalties if the companies make decisions that we would gladly have them make but that juries might disagree with after the fact. The cases they subsequently lose could cost tens of billions of dollars.

Merck and other reputable drug companies are likely to respond in two ways to this threat from runaway juries. First, before releasing new drugs, companies will probably be even more cautious. According to the Tufts University Center for the Study of Drug Development, since the 1960s the total time required for drug development—from synthesis or discovery in the laboratory to delivery to the patient—increased from 8.1 years to 15.2 years. Expect another year or two on top of that. This means that some of us will die or live in pain while companies do studies on thousands of subjects to further reduce the probability that miracle drugs have low-probability side effects.

Second, pharmaceutical companies will develop only clear winners. Medicines that serve small markets or may have some awkward problems will be skipped. Good riddance? Not so fast. Like Vioxx, many of the drugs we rely on, including aspirin, can cause serious side effects. The medicines we will do without are ones that many of us would love to have.

Oh yes, there's another difference between Merck and an accused murderer. No one thinks the murderer was out to help the victim. Merck was.

—David R. Henderson

David R. Henderson, formerly the senior economist for health policy on the President's Council of Economic Advisers, is a research fellow at the Hoover Institution and coauthor of Making Great Decisions in Business and Life.

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